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# STATUTES

OF THE

# PROVINCE OF QUEBEC,

PASSED IN THE

FORTIETH YEAR OF THE REIGN OF HER MAJESTY

## QUEEN VICTORIA;

And in the Second Session of the Third Parliament,

BEGUN AND HELD AT QUEBEC ON THE TENTH DAY OF NOVEMBER, AND CLOSED BY PROROGATION  
ON THE TWENTY-EIGHTH DAY OF DECEMBER, ONE THOUSAND EIGHT HUNDRED AND SEVENTY-SIX.



*CANADIAN  
LAW*

THE HONORABLE LUC LETELLIER DE ST. JUST,  
LIEUTENANT-GOVERNOR.

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QUEBEC:  
PRINTED BY CHARLES-FRANÇOIS LANGLOIS,  
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY.

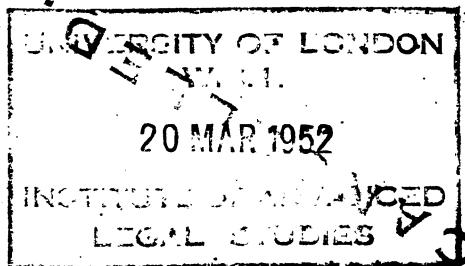
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## VICTORIÆ REGINÆ.

### C A P . I.

An act for granting to Her Majesty certain sums of money required for defraying certain expenses of the civil government, for the financial years ending on the 30th June 1877, and the 30th June 1878, and for other purposes connected with the public service.

*[Assented to 28th December, 1876.]*

MOST GRACIOUS SOVEREIGN,

WHEREAS it appears by messages from the Honorable ANTOINE AIMÉ DORION, late administrator of the government of the province of Quebec, and from the Honorable LUC LETELLIER DE ST. JUST, lieutenant-governor of this Province, and the estimates accompanying the same, that the sums hereinafter mentioned are required to defray certain expenses of the government of this Province, not otherwise provided for, for the financial years ending on the 30th June 1877, and the 30th June 1878, and for other purposes connected with the public service; may it therefore please Your Majesty, that it may be enacted, and be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislature of Quebec, that:

1. From and out of the consolidated revenue fund of \$116,489.38 this province, there shall and may be applied a sum not exceeding in the whole one hundred and sixteen thousand four hundred and eighty-nine dollars and thirty-eight cents, for defraying the several charges and expenses of the civil government and public service of this province, for the current financial year, ending on the 30th June 1877, as set forth in schedule A: to this act.

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1,970,158 00  
for the fiscal  
year 1877-78.

**2.** From and out of the consolidated revenue fund of this province, there shall and may be applied a sum not exceeding in the whole one million, nine hundred and seventy thousand, one hundred and fifty-eight dollars, for defraying the several charges and expenses of the civil government and public service of this province, for the financial year ending on the 30th June, 1878, as set forth in schedule B. to this act.

Condition of  
appropriations.

**3.** Every payment or application of moneys appropriated by this act, shall be held to be made provisionally and subject to all rightful adjustment in account hereafter, in respect of the Dominion and of the Province of Ontario, and of special funds which this act may in any manner affect.

Account to be  
rendered to  
both houses.

**4.** Accounts in detail of all moneys expended under the authority of this act, shall be laid before both houses of the legislature of this province, at the then next session thereof.

Sums to be  
accounted for  
to Her  
Majesty.

**5.** The application of all sums expended under the authority of this act, shall also be accounted for to Her Majesty.

Act into force

**6.** This act shall come into force on the day of the sanction thereof.

#### SCHEDULES.

## SCHEDULE A.

Sums granted to Her Majesty, by the present act, to defray the expenses for the financial year ending 30th June 1877, with indication of the purposes for which they are granted.

SERVICE.		
	\$ cts.	\$ cts.
<b>II. CIVIL GOVERNMENT.</b>		
<i>Public Departments :</i>		
Salaries and Contingencies.....	.....	9,900 00
<b>III. ADMINISTRATION OF JUSTICE, &amp;c.</b>		
Administration of Justice.....	.....	13,000 00
Police .....	.....	3,000 00
	.....	16,000 00
<b>VI. PUBLIC WORKS AND BUILDINGS.</b>		
Rents, insurances, repairs, &c., of public buildings generally, &c.....	.....	5,458 88
<i>Chargeable to Building and Jury Fund.</i>		
Insurances of Court-Houses and Gaols. ....	.....	250 00
Repairs of do do .....	.....	7,628 16
Gaol for Females, Montreal, to complete .....	.....	25,115 54
Bonaventure Court-House and Gaol, to complete residence of Garter, &c.....	.....	936 80
Philadelphia Exhibition. ....	.....	29,389 38
Registration Service, through Crown Lands Department.....	.....	1,200 00
To cover special warrants for expenditure already made belonging to the fiscal year ended 30th June, 1876, as per Public Accounts, Statement No. 11, page 102 .....	.....	50,000 00
	.....	\$116,189 38
	\$67,486 18	

## SCHEDULE B.

Sums granted to Her Majesty, by the present act, to defray the expenses for the financial year ending 30th June 1878, with indication of the purposes for which they are granted.

SERVICE.			
	\$ cts.	\$ cts.	\$ cts.
<b>I. LEGISLATION.</b>			
<i>Legislative Council:</i>			
Salaries and contingencies, including printing, binding, &c.....	29,535 00		
<i>Legislative Assembly:</i>			
Salaries and contingent expenses, including printing, binding, &c.....	62,700 00		
Library of the Legislature.....	3,000 00		
Expenses of Elections.....	5,000 00		
<i>Clerk of the Crown in Chancery:</i>			
Salary, covering ordinary contingencies.....	800 00		
Printing, binding and distributing the laws.....	3,300 00		
<i>Law Clerk:</i>			
Salaries of office.....	3,600 00		
Contingencies, comprising sessional clerk.....	800 00	4,400 00	18,735 00
<b>II. CIVIL GOVERNMENT.</b>			
<i>Public Departments:</i>			
Salaries and contingencies.....	163,195 00		
<b>III. ADMINISTRATION OF JUSTICE, &amp;c.</b>			
Administration of justice .....	390,370 00		
Police .....	14,000 00		
Reformatories .....	50,000 00		
Prison Inspection.....	3,700 00		458,070 00
Carried over.....			730,000 00

SCHEDULE B.—*Continued.*

SERVICE.			
	\$ cts.	\$ cts.	\$ cts.
Brought forward.....			730,000 00
<b>IV. PUBLIC INSTRUCTION, &amp;c.</b>			
<i>Superior Education:</i>			
Superior Education, proper.....	\$71,000 00		
High Schools, Quebec and Montreal. 2,470 00			
Compensation to Roman Catholic Institutions for grant to High Schools .....	4,940 00	78,410 00	
Common Schools.....	155,000 00		
Schools in poor Municipalities.....	8,000 00		
Normal Schools.....	46,000 00		
Salaries of School Inspectors.....	30,000 00		
Books for prizes .....	4,000 00		
Journals of Education.....	2,400 00		
Superannuated Teachers.....	8,000 00		
Schools for the Deaf and Dumb.....	12,000 00		
Deposit of Books, Maps, Globes, &c., in Public Instruction Department .....	15,000 00	358,810 00	
<i>Literary and Scientific Institutions:</i>			
Medical Faculty, McGill College, Montreal .....	750 00		
School of Medicine, do .....	750 00		
Natural History Society, do .....	750 00		
Montreal Historical Society, do .....	400 00		
Numismatic and Antiquarian Society, do .....	100 00		
School of Medicine (Bishop's College,) Lennoxville .....	750 00		
Literary and Historical Society, Quebec.....	750 00		
Institut Canadien, do .....	500 00		
Académie de Musique, do .....	100 00		
Carried over.....	4,850 00	358,810 00	730,000 00

## SCHEDULE B.—Continued.

SERVICE.	—	—	—
	\$ cts.	\$ cts.	\$ cts.
Brought forward.....	4,850, 00	358,810, 00	730,000, 00
Aid towards publication of "Le Naturaliste Canadien".....	400 00		
Towards providing aid to secure publication of reports of decisions of Law Courts at Montreal.	1,000 00		
St. Patrick's Literary Institute, Quebec.....	200 00		
School of Navigation, do .....	1,000 00	7,450 00	
<i>Arts and Manufactures:</i>			
Board of Arts and Manufactures .....		10,000 00	376,260 00
<b>V: AGRICULTURE, IMMIGRATION AND COLONIZATION.</b>			
<i>Agriculture:</i>			
Board of Agriculture .....	4,000 00		
do for Journal of Agriculture.	3,500 00		
Exhibition grounds, Montreal, to pay the Ladies of the Hôtel Dieu, Montreal, the amount granted to them .....	13,100 00		
Agricultural Schools .....	2,400 00		
Agricultural School, Richmond .....	1,200 00		
Veterinary School, Montreal, provided that the lectures are given in French as well as in English, and that it contributes to the Journal of Agriculture articles on veterinary subjects.....	1,000 00	25,200 00	
<i>Immigration:</i>			
Immigration and repatriement .....		45,000 00	
<i>Colonization:</i>			
Colonization roads, 1st class.....	40,000 00		
do 2nd and 3rd class.....	8,000 00		
Colonization road, Lake St. John.....	20,000 00	68,000 00	138,200 00
<b>VI. PUBLIC WORKS AND BUILDINGS.</b>			
Rents, insurances, repairs, &c. of public buildings generally.....	42,761 00		
Carried over.....	42,761 00		

## SCHEDULE B.—Continued.

SERVICE.			
	\$ cts.	\$ cts.	\$ cts.
Brought forward.....	42,761 00		1,244,460 00
Inspections and surveys .....	4,000 00		
Bridge across the Ottawa River at Calumet Island, provided the township in which such bridge is situated furnishes an amount sufficient to complete it, (re-vote.).....	1,000 00		
Towards making the Railway bridge over the St. Maurice suitable for vehicles, or, if not found desirable, towards reconstructing the bridge over the St Maurice near Three Rivers, provided the City of Three Rivers and the other adjoining Municipalities furnish funds sufficient to complete such bridges, (re-vote.).....	15,000 00	62,761 00	
<i>Chargeable to Building and Jury Fund.</i>			
Rents of Court-Houses and Gaols.....	527 00		
Insurances of do .....	3,500 00		
Repairs of do .....	19,940 00		
Gaol for Females, Montreal, to cover extras.....	500 00		
Bonaventure Court House and Gaol, to heighten walls—to complete .....	1,000 00	25,467 00	88,228 00
<b>VII. CHARITIES.</b>			
Lunatic Asylums, Beauport, St. Jean de Dieu, and St. Ferdinand d'Halifax.....	180,000 00		
Belmont Retreat Inebriate Asylum.....	700 00		
Marine and Emigrant Hospital, Quebec.....	2,666 67		
Lying-in Hospital, care of the Ladies of the Good Shepherd.....	2,013 33	185,380 00	
<i>Miscellaneous.</i>			
Corporation of the General Hospital, Montreal	4,000 00		
Indigent Sick, do .....	3,200 00		
St. Patrick's Hospital, do .....	1,600 00		
Sœurs de la Providence, do .....	1,120 00		
Carried over.....	9,920 00	185,380 00	1,332,688 00

**SCHEDULE B.—*Continued.***

## SCHEDULE B.—Continued.

SERVICE.		\$ cts.	\$ cts.	\$ cts.
Brought forward.....		22,300 00	185,380 00	1,332,688 00
Charitable Ladies' Association for the Roman Catholic Orphan Asylum, and Nazareth Asylum, Quebec..		1,140 00		
Indigent Sick, .....	do ..	3,200 00		
Asylum of the Good Shepherd, .....	do ..	800 00		
Ladies' Protestant Home, .....	do ..	750 00		
Male Orphan Asylum, .....	do ..	420 00		
Finlay Asylum, .....	do ..	420 00		
Protestant Female Orphan Asylum, .....	do ..	420 00		
St. Bridget's Asylum, .....	do ..	750 00		
Dispensary, .....	do ..	200 00		
Sisters of Charity, for old and infirm persons, .....	do ..	200 00		
Hôpital du Sacré Cœur de Jésus, .....	do ..	1,000 00		
do do Dispensary, do ..		200 00		
Foundling Hospital; .....	do ..	200 00		
Women's Christian Association, .....	do ..	200 00		
Indigent Sick, Three Rivers.		2,500 00		
Sœurs de la Charité, for founding Hospital, do .....		400 00		
General Hospital, Sorel .....		500 00		
St. Hyacinthe Hospital, St. Hyacinthe.....		500 00		
do Orphan Asylum, do .....		200 00		
Ouvroir de St. Hyacinthe, do .....		200 00		
Hospice Youville, St. Benoit.....		200 00		
Asile de la Providence, Côteau du Lac.....		200 00		
Hospice St. Joseph, Beauharnais.....		200 00		
Hospice Ste Marie, Ste. Marie de Montréal.....		200 00		
Carried over.....		37,300 00	185,380 00	1,332,688 00

## SCHEDULE B.—Continued.

SERVICE.			
	\$ cts.	\$ cts.	\$ cts.
Brought forward.....	37,300 00	185,380 00	1,332,688 00
Asile de la Providence, Mascouche .....	200 00		
Hôpital St. Jean, St. Jean.....	200 00		
Sisters of Charity, do .....	200 00		
Hospice La Jemmerais, Varennes:.....	200 00		
Hospice des Sœurs de la Providence, St Vincent de Paul.	200 00		
Hôpital de la Providence, Joliette.....	200 00		
Hospice de Laprairie, Laprairie.....	200 00		
Hôpital St. Joseph, Chamby.....	200 00		
Asile de la Providence, Ste. Elizabeth....	200 00		
Sœurs de la Providence de N.-D. de l'Assomption.....	200 00		
Asile de la Providence, Ste. Ursule.....	200 00		
Hôpital St. Anne Lapocatière.....	200 00		
Sœurs de la Charité, Rimouski.....	500 00		
Hôpital St. Ferdinand d'Halifax.....	200 00		
Hospice Yamachiche.....	200 00		
Sherbrooke Hospital and Orphan Asylum.....	500 00		
Sœurs de la Charité, Lanoraie.....	200 00		
Hôpital St. Paulin.....	200 00		
Hôpital de Longueuil.....	200 00		
Hôpital St. François du Lac.....	200 00		
Reformatory Schools.....	8,140 00	41,900 00	
Industrial Schools.....	7,000 00	15,140 00	
VIII. MISCELLANEOUS.....			242,420 00
IX. COLLECTION, MANAGEMENT AND OTHER CHARGES ON REVENUE.			20,000 00
Municipalities Fund, C. S. L. C., cap. 110, sect. 7	5,000 00		
Carried over. ....	5,000 00	1,595,108 00	

## SCHEDULE B.—Continued.

SERVICE.	—	—	—
	\$ cts.	\$ cts.	\$ cts.
Brought forward.....		5,000 00	1,595,108 00
Surveys through Crown Lands Department .....	15,000 00		
General expenditure do including Jesuits' Estates, Clergy Lands, Crown Do- main, Seigniory of Lauzon, Woods and Forests, &c.....	53,100 00	68,100 00	
Quebec Official Gazette.....		14,950 00	
Stamps, Licenses, &c.....		6,000 00	94,050 00
<b>X. PUBLIC WORKS AND BUILDINGS.</b>			
Public Departments, to build.....		100,000 00	
<i>Chargeable to Building and Jury Fund.</i>			
Court-Houses and Gaols, New Districts, to build fire-proof safes.....	6,000 00		
Quebec Court-House, to build.....	75,000 00	81,000 00	
Registration Service.....		100,000 00	
Total Chargeable to Capital.....			281,000 00
			1,970,158 00

## C A P . I I .

An act respecting the consolidated railway fund of the province of Quebec.

[*Assented to 28th December, 1876.*]

**H**ER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Establish-  
ment of the  
fund.

**1.** There shall be and there is hereby created a railway fund for the province of Quebec, to be known as "The consolidated railway fund of the province of Quebec."

Composition  
of the fund.

**2.** This fund shall be composed of the debentures of this province, or of the proceeds of any debentures of this province, which have been heretofore, or which shall be hereafter issued, negotiated and sold under any act of the Legislature of this province, passed or to be passed, and of any unexpended balances of any sum of money now in the hands of the treasurer of this province, or which may hereafter come into his hands to aid in the construction of any railway now entitled to a subsidy or which may hereafter become entitled to one, or to construct the Quebec, Montreal, Ottawa and Occidental Railway.

All the municipal debentures, or municipal subscriptions mentioned in schedule A. of Chapter 2, of 39 Vict., of the acts of this province, shall also fall into and form part of this fund.

Employment  
of the mon-  
eys consti-  
tuting the  
fund.

**3.** It shall be lawful for the Lieutenant-Governor in council to pay, out of the said fund, unto any railway company entitled to any subsidy by virtue of any act of this province, or unto the commissioners of the Quebec, Montreal, Ottawa and Occidental Railway, such subsidy, at such time, and in such amounts, as by law they are entitled to have and demand the same.

Advance of  
\$3,000,000.  
to the com-  
missioners of  
the Q. M. O.  
O. Railway.

**4.** It shall be lawful for the Lieutenant-Governor in council, if he shall deem it expedient so to do, to advance out of the said fund unto the commissioners of the Quebec, Montreal, Ottawa and Occidental Railway, such sum or sums of money, not exceeding in the aggregate the sum of \$3,000,000 as he shall deem meet.

Delivery of  
bonds to the  
treasurer.

But in such case, and at the time of such advance being made, the said commissioners shall deliver unto the treasurer of this province, of the bonds, which, by section twenty-five of the said act, they are authorized to issue, a sum equivalent in amount to such advance. And the said bonds shall forthwith enter into and form part of the said fund; and the interest accruing on the said bonds shall be deducted from the net earnings of the said road, and be paid into the credit of the

Interest ac-  
cruing on  
such bonds.

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said fund to form part thereof, so long as the said bonds remain in the hands of the treasurer of this province.

**5.** The Lieutenant-Governor in council may, at any time when he deems it expedient so to do, pledge by way of collateral security the said bonds for any advance of moneys made or required for the purposes of this act, or in order the issue, negotiation and sale by the treasurer of this province, of the aforesaid bonds or any part thereof, subject to such terms and conditions as the Lieutenant-Governor in council may devise or prescribe.

**6.** It shall be lawful for the Lieutenant-Governor in council, by endorsement upon the said bonds or otherwise, as he may determine, to guarantee the due, faithful and punctual payment of the interest to accrue on the said bonds, interest and the due, faithful and punctual payment of the interest principal and principal of the said bonds.

**7.** To avoid doubts, it is hereby declared that in the events of the said province advancing the whole or any part of the amount of the said bonds, the province shall be substituted to and subrogated in all the rights and powers, privileges and advantages granted or intended to be granted, vested, or authorized to be vested, in the holders of the said bonds or debentures, or any trustee or trustees for them; and in case of the said bonds falling into the hands of the said treasurer, as hereinbefore set forth, all the powers, privileges and authority vested in the said commissioners respecting the said bonds, or which they are authorized or empowered to confer upon others, by virtue of sections 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, of 39 Vict., cap. 2, or by any other section of the said act, shall be vested in, and exercised by, the treasurer of this province, or conferred by him upon others, as fully and effectually as the said commissioners might or could have done; and the same rank and priority in the revenues of the said road shall be preserved to and enure to the province, as if the said bonds had been sold to the said province by the commissioners.

**8.** Nothing in this act shall have the effect of amending or revoking the statutes in force by which any aid or subsidy has been granted to any railway company whatsoever.

**9.** This act shall come into force on the day of its sanction.

## C A P, III.

An act to amend the law respecting subsidies in money made to certain railways, and for other purposes.

[Assented to 28th December, 1876.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

Advances which may be made to certain railway companies.

Conditions.

Proviso.

The employment of the advance of \$1,000 may be regulated by Lieutenant-Governor.

Add. subsidy granted to cert. Railway Co's

M. P. and B. Railway.

Conditions.

W. and Magog R.

1. The Lieutenant-Governor in Council, as soon as the following railway companies :

The Lewis and Kennebec Railway Company ;

The Quebec Central Railway Company ;

And the St. Francis and Megantic International Railway Company ;

Shall have put the completed portions of their roads in good working order, to his satisfaction, may advance to them on account of their subsidy, 1o. a sum of \$1,000 for each mile thus completed, in addition to the sum of \$4,000 which they have received, or may now have a right to receive, and 2o. out of the whole balance of the subsidy granted to them for any other portion of their road which they may hereafter complete,—another sum of such an amount, and in such a manner, that this advance being made, there shall remain to be paid not less than \$2,000 per mile upon the portion of the road to be hereafter completed, and that in any case, no more than \$6,000 per mile shall be advanced.

2. The Lieutenant-Governor in Council may require that the sum of \$1,000 per mile, advanced to the companies mentioned in the preceding section, on the completed portions of their lines, be used to perfect such portions of line, and to pay whatever they may owe for the right of way, labor and rolling stock.

3. The Lieutenant-Governor in Council may increase to \$4,000 per mile, the subsidy already granted to the following railway companies :

1. The Montreal, Portland and Boston Railway, upon a length not exceeding fifty-six miles, from the river St Lawrence, at the town of Longueuil, to the frontier line of the province, *via* Chamby, West Farnham and Frelighsburg, provided that the company shall come to an agreement with the government, that freight and passengers may pass over their line at rates proportionate to those of the Quebec, Montreal, Ottawa and Occidental Railway ;

2. The Waterloo and Magog Railway, upon a length not exceeding forty-three miles ;

3. The Laurentian Railway upon a length not exceed- Laurentian  
ing fifteen miles. R. R.

4. If any railway company now subsidized gives up its charter, or if the charter of any such company lapse between the present time and the 31st of December 1877, it shall be lawful for the Lieutenant-Governor in council to apportion the amount of the subsidy to which such railway company was entitled, over the uncompleted parts of the roads of the four companies following, that is to say : Case in which the grant to certain companies may be divided amongst other companies.

The Levis and Kennebec, forty-five miles,

The Quebec Central, fifty-two miles,

The St. Francis and Megantic International, fifty-three miles,

The South Eastern, forty miles from Acton to Sutton junction ;

Provided that the amount of the subsidy so apportioned does not exceed \$1,500 per mile, for the total length to be completed as aforesaid, and that the subsidy so apportioned added to that already acquired by each of such companies, does not in any case exceed a sum of more than \$6,000 for each mile of road so to be completed.

5. The Quebec and Lake St. John Railway Company shall not be obliged upon the first section of its road, to repay the sum of \$48,171.20, received by it for the construction of a wooden railroad, but such repayment shall be made only upon the second section of such road, and the said company shall furnish security that it will repay such sum at the end of four years from the first day of January 1877, if in the interval it has not made the said second section of its road. Repayment of amount due by the Quebec and Lake St. John R. R.

6. The Missisquoi and Black River Valleys Railway Company shall continue to have a right to the subsidy at present granted to it, until the first of December 1877, provided that at the said date, the said company shall have made and completed at least ten miles of continuous and uninterrupted road with iron or steel rails. Delay, in favor of Missisquoi and Black River R. R.

7. The first section of the act of this province, 39 Vict. 39 V. ch. 3, is amended :

1. By striking out the words : " at the rate of five per centum per annum " and substituting therefor the following words : " at a rate not exceeding six per centum per annum ";

2. By adding to such section the following words : " and the Lieutenant-Governor in Council may fix the place where such interest shall be paid."

39 V., ch. 3, s. 2, replaced. **8.** Section 2 of the same act is repealed, and the following substituted therefor:

Return and conversion of subsidy. "2. Any payment heretofore made, or which may hereafter be made by this province on any subsidy accorded to any railway company by any act of this Legislature, still in force, may be returned to the provincial treasurer, and thereafter converted into a like guarantee for the part or portion of such subsidy returned, and from such date or dates as the directors of the company returning such subsidy may request."

Manier of paying subsidy. **9.** The subsidy granted by the present act shall be payable in the same manner as that granted by "the Railway subsidy act of 1875."

Guarantee of sub-contracts of D. McDonald, by commissioners. **10.** The commissioners of the Quebec, Montreal, Ottawa and Occidental Railway may guarantee the payment of the amounts of the sub-contracts made by Duncan McDonald, the contractor for the western portion of the said road, provided that such contracts are approved of by them.

Sums to be taken to complete Q. M. O. & O. R. R. **11.** The said commissioners are authorized to take from the sum intended to meet the contingent expenses of the road, the sum necessary to complete the said railway.

Act in force. **12.** The present act shall come into force on the day of the sanction thereof.

#### C A P. I V.

An act respecting the building of the court-house of Quebec.

[Assented to 28th December, 1876.]

**H**ER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

\$75,000 for building Court-House.

**1.** The lieutenant-governor in council is authorized to take out of the consolidated fund of the province, a sum of seventy-five thousand dollars to be employed in the reconstruction of the court-house in the city of Quebec.

Imposing add. tax, in the Quebec courts.

**2.** To reimburse to the provincial treasury the sum expended in the reconstruction of the new court-house, it shall be lawful for the lieutenant-governor in council to impose, with power to modify the same from time to time, such additional tax as he shall deem advisable, on

all proceedings, papers and documents whatsoever, made in the several *greffes* of the courts sitting in the court-house, in the city of Quebec, or produced before such courts.

**3.** The tax mentioned in the preceding section shall form part of the consolidated revenue fund of the province, and shall be levied in the same manner as other judicial taxes already payable to the Crown. Application and levying of tax.

**4.** A separate account shall be kept of the sums levied in virtue of the present act. Separate account.

**5.** Immediately upon the moneys arising from such tax, according to the report of the auditor of the public accounts of the province, reaching the amount of the sum to be refunded to the treasury, with interest, the lieutenant-governor in council shall repeal all orders under which such tax shall be levied. Abolition of tax.

**6.** The orders in council issued in virtue of this act, shall have the force of law, fifteen days after their publication in the *Quebec Official Gazette*. Publication of orders in Council.

### C A. P. V.

An act to amend "The Treasury Department act," of this province, (31 Vict, ch. 9.)

[Assented to 28th December, 1876.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

**1.** The act of this province 31 Vict, ch. 9. is amended. 31 V., c. 9, amended.

ed by inserting therein, after section 4, the following section.

**4a.** The consolidated revenue fund shall be also charged with all loans and other debts, heretofore contracted or which shall be contracted, under any act whatsoever of this legislature, by the provincial government, by means of the issue of Provincial debentures or otherwise, as also with the interest on such loans, debentures or debts, and with the various sinking funds established for their extinction. Consolidated fund charged with loans and debts of province.

**2.** This act shall come into force the day of its sanction. Act in force.

## C A P. V I.

An act to amend the act of this province 39 Vict., ch. 7, intituled : "An act to compel assurers to take out a license."

[Assented to 28th December, 1876.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

39 Vict., c. 7, amended.

1. The act of this province 39 Vict., ch. 7, shall not apply to accident policies, which are granted for a period of less than thirty days.

## C A P. V I I.

An act to amend the act of this province 39 Vict., cap 8, intituled : "an act to aid the grant for the purposes of the administration of Justice."

[Assented to 28th December, 1876.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

39 Vict., ch. 8, replaced.

1. Section 3 of the act of this province 39 Vict., cap. 8, is replaced by the following :

Corporations held to pay for certain prisoners.

3. The corporation of any city, town, village or municipality, within the limits of which has been committed any act punishable under the statute of Canada 32-33 Vict., cap. 28, respecting vagrants, or any contravention of the by-laws of the council of such city, town, village or municipality, shall be bound, if the offender has been sentenced to imprisonment in the common gaol of any district, to pay to the sheriff of such district, a sum of twenty-five cents for each day such offender shall be so detained in gaol."

Act in force.

2. This act shall come into force on the day of its sanction.

## C A P. V I I I.

An act to authorize the consolidation of the general statutes of the province of Quebec.

[Assented to 28th December, 1876.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. The lieutenant-governor in council may appoint a Commission. commission to consolidate the general statutes of the province.

Such commission shall be composed of one, two or three commissioners, and a secretary.

2. Any judge of the superior court of this province, Advising Commission- with his own consent, may be added to such commission, ers. in the capacity of advising commissioner.

3. The commissioners shall classify, revise and consolidate the statutes of a general and permanent character of Commission- the late province of Canada, affecting the province of ers. Quebec and within the jurisdiction of its legislature, as also those of this province since 1867.

4. In consolidating such statutes, the commissioners *Idem.* shall only incorporate therein the provisions which they shall then deem to be in force, and shall cite the authorities on which they base their judgment as to their so being in force.

They may change the phraseology of such statutes; *Phraseology of Statutes.* without however altering the sense; they shall strike out from them all unnecessary or improper impressions, and shall as far as possible, render each provision thereof, simple, clear and precise.

5. The commissioners may suggest such amendments *Suggestion of amendments.* to the law as they deem advisable, by distinctly specifying them and accompanying them with the reasons by which they support them.

6. The commissioners shall publish in the manner most convenient for reference, either with the consolidated statutes or in a separate volume, according as they may deem most advisable, the general statutes which affect this province, but are not within the jurisdiction of its legislature, including imperial statutes, and the statutes of the late province of Canada. *Publication of other statutes affecting the Province.*

Publication  
of other docu-  
ments.

7. They shall also publish, either with the consolidated statutes or with the general statutes mentioned in the preceding section, as they shall deem convenient, all orders in council, proclamations, treaties or documents which shall be prescribed them by the lieutenant-governor in council.

Reports.

8. The commissioners shall from time to time report their proceedings and the progress of the work entrusted to them, to the lieutenant-governor.

Instructions  
of L.-G.

In matter with respect to which no provision is made in this act, they shall act according to the instructions of the lieutenant-governor.

Printing and  
reports.

9. Whenever they shall deem any portion of the work sufficiently advanced to be printed, they shall have the same printed, and transmit to the lieutenant-governor, together with their report, a sufficient number of copies.

Work sub-  
mitted to Le-  
gislature.

10. When the work is completed, printed copies of the consolidated statutes, together with the reports of the commissioners, shall be laid before this legislature.

Expenses.

11. The expenses incurred in and about the execution of this work shall be paid by the legislative assembly of this province, out of the fund set apart for contingent expenses.

Act in force.

12. This act shall come into force on the day of the sanction thereof.

## C A P. I X.

An act to amend the act respecting the organization of the civil service of the province, 31 Vic., ch. 8.

[Assented to 28th December, 1876.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

Composition  
of Civil Ser-  
vice.

1. The members of the civil service of the province of Quebec, shall be the deputy heads, the clerks and messengers permanently employed in the following departments, at the seat of government, namely :

The department of the executive council ;

The department of the provincial secretary and registrar, and the *bureau* of the Queen's printer ;

The department of the law officers of the Crown ;

The department of the treasury of the province ;

The department of crown lands ;  
 The department of agriculture and public works ;  
 The department of public instruction ;  
 The special officers permanently employed in such departments, shall also form part of the civil service, if the lieutenant-governor in council so order. <sup>Special officers.</sup>

#### DEPUTY HEADS.

2. The maximum salary of deputy heads, as such, shall be two thousand four hundred dollars per annum. <sup>Salaries of deputy heads.</sup>

3. Each deputy head shall receive a salary of two thousand dollars for the first year after his appointment as such, and may receive an annual increase of one hundred dollars, until his salary shall have reached the maximum amount. <sup>Annual increase.</sup>

#### CLERKS.

4. The clerks shall be divided into five classes named as follows : first, second, third, fourth and fifth. <sup>Clerks divided into five classes.</sup>

5. Immediately after the coming into force of the present act, the employees at present in office shall be divided into such five classes, by the lieutenant-governor in council ; their salaries however being not diminished. <sup>Present employees to be distributed amongst said classes.</sup>

Such classification shall be submitted to the legislative assembly within the first fifteen days of the then next session.

6. In future, any order of the lieutenant-governor in council, appointing any person to any office as clerk, which renders him a member of the civil service, shall assign him to one of such five classes ; and the salary of such clerk shall be determined by the class which shall be so assigned him, in accordance with the following provisions. <sup>Future appointments. Salaries.</sup>

7. A clerk of the fifth class shall receive a salary of \$600 for his first year of service, as such, and may thenceforward receive an annual increase of \$50, until his salary reaches \$800. <sup>5th class salaries.</sup>

8. A clerk of the fourth class shall receive a salary of \$800 for his first year of service as such, and may thenceforward receive an annual increase of \$50, until his salary reaches \$1,000 per annum. <sup>4th class salaries.</sup>

9. A clerk of the third class shall receive a salary of \$1,000 for his first year of service as such, and may thenceforward receive an annual increase of \$50, until his salary reaches \$1,200 per annum. <sup>3rd class salaries.</sup>

forward receive an annual increase of \$50 until his salary reaches \$1,200 per annum.

2nd class salaries.

**10.** A clerk of the second class shall receive a salary of \$1,200 for his first year of service as such, and may thenceforward receive an annual increase of \$50, until his salary reaches \$1,400 per annum.

1st class salaries.

**11.** A clerk of the first class shall receive a salary of \$1,400 for his first year of service as such, and may thenceforward receive an annual increase of \$50, until his salary reaches \$1,600 per annum.

Conditions for increase.

**12.** No clerk shall receive the usual increase of salary, unless he shall have served one whole year in the class assigned to him, and unless he has a certificate from the deputy head of the department in which he has so served, attesting his good conduct and the efficient nature of his services.

In case of promotion.

If any clerk is promoted to a higher class, he shall lose his right to the annual increase in the class which he has left, his promotion standing in lieu thereof.

Condition for promotion.

**13.** No clerk shall be promoted from one class to a higher class, until after he has completed four years service, in the former class, unless for special reasons the lieutenant-governor in council determine otherwise.

#### SPECIAL OFFICERS.

Special officers.

**14.** If the business of any department require the services of any person possessing special professional, scientific or technical knowledge, the lieutenant-governor in council may appoint to be employed in such department, under the designation of special officer, with such remuneration as shall be deemed advisable, any person who possesses such knowledge.

The lieutenant-governor in council may determine, among the officers at present employed in the departments mentioned in the first section of the present act, those who shall be deemed to be employed under the title of special officers.

Special officers shall not be included in any of the classes of clerks herein above specified.

#### MESSENGERS.

Salary of messengers.

**15.** Whenever any messenger enters into the service of any department, he shall receive the salary fixed by the lieutenant-governor in council, which shall not exceed four hundred dollars for the first year.

Such messenger may thenceforward receive an annual increase, increase of forty dollars, until his salary shall have reached six hundred dollars.

#### MISCELLANEOUS PROVISIONS.

**16.** The deputy head of each department shall have General powers of deputy heads. authority to superintend and direct the clerks, officers and messengers of such department: and he shall be entrusted with the general control of the affairs connected therewith under the direction of the head of the department, and he shall exercise such other powers and duties as may be assigned him by the lieutenant-governor in council.

In the absence of the head of the department he may suspend any employee who refuses or neglects to obey his orders, or whose conduct he may deem blameworthy.

**17.** The head of any department may entrust any clerk of the first class, or any special officer of such department, with the duties of the deputy head, in the absence of the latter; and, during the whole period that such clerk or officer discharges such duties, he shall have all the powers of the absent deputy head. Replacing of deputy heads, in case of absence.

**18.** Every month the deputy head of each department shall be bound to make a faithful report to the head of the service of all the clerks, officers and messengers, under his control. Monthly reports of deputy heads.

**19.** The civil service board may grant certificates corresponding to the five classes established by the present act, and may make regulations in relation to the examinations to be undergone, for the grant of such certificates. Certificates corresponding to classes.

Such regulations shall be subject to the approval of the lieutenant-governor in council.

**20:** No person shall in future be appointed to any permanent employment in the civil service, unless he possesses a certificate from the civil service board, corresponding to the class assigned him in such employ, or to a higher class. Certificate required for appointment or promotion.

**21.** No clerk or messenger shall be appointed; and no clerk shall be promoted from one class to another, in any department forming part of the civil service, except upon the application and report of the deputy head of such department and by order of the lieutenant-governor in council. Report of deputy head required for appointment or promotion.

Increase.

**22.** In the case of promotion from one class to another, the increase of salary shall only be payable from and after the first day of the month following the date of promotion.

Reports to Legislature.

**23.** Within the first fifteen days of every session of this legislature, a statement showing the appointments and promotions which have been made in the civil service, since the preceding session, and also copies of the orders in council concerning such promotions, shall be submitted to the legislative assembly.

Oath.

**24.** The form of oath of schedule A, of the act 31 Vict., ch. 8, shall be replaced by the following :

" I, A. B., swear that I will fulfil the duties of my office of , honestly and justly, and that I will not receive any sum of money or consideration, for what I have done, or may do in the discharge of any of the duties of my office, to promote the purchase or exchange of any thing whatever by or with the government, other than my salary, or what may be allowed me by law, or by an order of the lieutenant-governor in council. So help me God."

31 V. ch. 8, amended.

**25.** Any provision of the act of this province, 31 Vict., ch. 8, inconsistent with the present act, is repealed.

Act in force.

**26.** The present act shall come into force on the day of its sanction.

## C A P. X.

An Act to establish a superannuation and aid fund, in favor of certain public employees and their families.

[Assented to 28<sup>th</sup> December, 1876.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

Annual pension to members of civil service.

**1.** The lieutenant-governor in council may grant an annual pension to any employee or member of the civil service, who has become incapable of discharging his ordinary duties, by reason of physical or mental infirmities, or who has attained the full age of sixty years..

Pension how calculated.

**2.** Such pension shall be calculated according to the total number of the years of services of such employee, and the average of his salary during the three years im-

mediately preceding his superannuation, in the manner following, that is to say :

For three to ten years service, ten fiftieths of such average salary ;

For eleven years, eleven fiftieths ;

For twelve years, twelve fiftieths ; and so on, adding one fiftieth of such average salary, for each additional year's service, up to thirty-five fiftieths inclusive.

**3.** The time which any employee may have served before the coming into force of "The British North America Act, 1867," as the permanent and salaried holder of any office which entitles to a pension under this act, shall be reckoned.

**4.** No additional grant shall be made for more than thirty-five years service.

The interruptions which may have occurred during the time of service shall not be computed in the number of years which entitle to the pension.

**5.** The same pension shall be granted, upon the same conditions, to the clerk of the legislative council, to the clerk of the legislative assembly, to the clerk of the crown in chancery, and to all the permanent officers, clerks and messengers of the legislative council and legislative assembly, who for all the purposes of this act, shall be deemed to have formed part, and shall in future continue to form part, of the civil service.

The law clerk of the legislature, together with his permanent clerks and messengers shall be also deemed to have formed part and shall continue to form part of the civil service, for the purposes of this act.

**6.** A special fund to be called "Pension Fund" shall be established, to provide for the payment of pensions in conformity with this act, and invested at interest.

**7.** A deduction shall be annually made from and out of the salary of every employee to whom this act applies, of five per cent for the first three years he shall contribute, and of three per cent for the subsequent years of his service.

Such sum deducted shall be paid monthly into the pension fund.

A sum equal to one fourth of the sums so yearly retained, shall be by the treasurer of this province, added annually to the pension fund.

**8.** The pension of every superannuated employee shall be paid to him during his life, by the treasurer of

Annual contribution from the province.

the province, by monthly payments but not in advance. In the event of the death of such employee, his pension shall run to the first day of the following month, and his widow, or in default of his widow his heirs, shall receive the monthly payment then due.

Fifteen years contributions necessary.

**9.** No employee shall be entitled to the full amount of his pension, until he shall have contributed for fifteen years to the pension fund; and if the pension becomes payable before the expiration of such delay, a sum equal to the deduction which would have been made from the salary of the employee, if he had remained in the service, shall be retained each month from the amount of his pension, until such fifteen years of contribution have elapsed.

Half pension to widows.

**10.** From and after the first day of the month which follows the date of the death of any employee to whom this act applies, half the pension which the deceased received, or would have been entitled to receive, if he had been superannuated, shall be paid to his widow for life and during her widowhood.

Half pension to children.

If the wife of such employee dies before him, or if, having survived him, she dies or marries again, such half pension shall be paid to such of the children of the employee, as have not attained the age of eighteen years, and until they do attain such age.

Manner of payment.

Such half pension shall be also paid in monthly payments, and shall continue until the first day of the month next after the date of the marriage or death of the widow, or the date at which the children of the deceased shall have attained the age of eighteen years.

Previous service required.

**11.** No person shall be entitled to any pension under this act either for himself or for the members of his family, unless he is and has been employed at least three years as a member of the civil service, either before or after the coming into force of this act.

Superannuation obligation.

**12.** Superannuation shall be obligatory on every employee to whom the pension shall be offered, on the conditions specified in this act; nor shall such offer be deemed as in any manner a censure upon such employee.

Reimbursement of contributions in case of resignation.

**13.** If any employee retire voluntarily from the service, or is compelled to retire from it, on account of the abolition of his office, the sums which shall have been so retained out of his income or salary, to be paid into the pension fund, shall be forthwith returned to him, but without interest.

In the case of any employee removed from his office for In case of dis-  
negligence, misconduct or otherwise, no reimbursement missal.  
whatever shall be made.

**14.** The pension or half pension payable under this act Pension not  
shall be neither transferable nor subject to seizure. liable to  
seizure.

**15.** No pension or half pension under this act, shall be Residence of  
paid to persons residing out of the limits of this province, pensioners.  
unless for special reasons the lieutenant-governor in coun-  
cil determine otherwise.

**16.** If the superannuation fund become insufficient to In case of ins-  
meet its obligations, a proportional reduction shall be sufficiency of  
made on the pensions then payable, until it shall have  
the fund.  
been otherwise provided for.

**17.** Any superannuated employee less than sixty years Offer of em-  
of age, and who is not prevented from serving through ployment to  
any physical or mental infirmity, may be called upon to pensioners.  
fill any other public office, the duties of which his pre-  
vious services render him capable of discharging, and not  
inferior in rank and emoluments to that which he pre-  
viously filled, provided always that the discharge of the  
duties of such office permit him to reside, either at the  
seat of government, or in the district in which he last  
resided.

If such employee refuse or neglect to discharge the  
duties of the office so offered, he shall by the fact of such  
refusal, as shall also his widow and children, lose all  
further right to any pension or half pension.

**18.** This act shall come into force on the day of the Act in force.  
sanction thereof.

## C A P. XI.

An act to amend chapter 93, of the consolidated  
statutes for Lower Canada, with respect to the  
salary of certain sheriffs.

[Assented to 28th December, 1876.]

**H**ER MAJESTY, by and with the advice and consent  
of the Legislature of Quebec, enacts as follows:

**1.** The following section shall be inserted after section C. S. L. C. ch.  
15, of chapter 93, of the consolidated statutes for Lower 93, s. 15,  
Canada: amended.

Section added.

Salary to certain sheriffs.

“ 15a. The lieutenant-governor in council may, from time to time, grant to each of the sheriffs of districts falling under the operation of the two preceding sections, a sum which shall not exceed \$500 per annum, as remuneration for the services rendered by each such sheriff, in criminal matters, and in all things concerning prisoners, the prison and its management, and the preparation of jury lists, but not the summoning of jurors.”

Act in force. 2. This act shall come into force on the day of the sanction thereof.

### C A P. X I I.

An act to amend the act of this province, 32 Vict., cap. 28, respecting district magistrates.

[*Assented to 28th December, 1876.*]

**H**ER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

32 V., ch. 23, sec. 16, amended. 1. The last three words of subsection 3, of section 16 of the act of this province 32 Vict., cap. 23, are struck out and the following substituted therefor: “ in the province.”

sec. 4 amend. ed. 2. Section 4 of the said act is amended, by adding thereto the following words: “ but in the districts where no judge of the superior court resides, the district magistrate is bound to reside in the *chef lieu* of such district.”

Proviso. 3. Nothing contained in this act shall affect the residence of district magistrates already appointed.

### C A P. X I I I.

An act to amend the law respecting the superior court.

[*Assented to 28th December, 1876.*]

Preamble.

**W**HEREAS the despatch of judicial business does not require, in certain districts, the constant presence of a judge of the superior court, and whereas the administration of justice would be greatly benefitted by the attendance of such judges in other districts; Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. Whenever the despatch of judicial business in any district requires the services of more judges of the superior court than there are in such district, or whenever the sole judge of any district, is unable to discharge his duties for any reason whatsoever, the chief justice, after having been informed thereof, and having conferred with his colleagues of the locality in which he resides, shall, according to the determination they may come to, require one or more of the judges of districts, other than those of Quebec and Montreal, to discharge their duties temporarily in such district, for the holding of any term or of the court, provided that such judges can absent themselves without injury to the administration of justice in their district. Certain judges to act temporarily in other districts. Proviso.

2. Article 464 of the code of civil procedure is repealed Art. 464, code c p. replaced. and the following substituted therefor :

" 464. Two or more judges of the superior court discharging their duties in the same district, may, and shall, whenever the despatch of business requires it, sit at the same time and at the same place, in separate apartments, in term or in vacation ; and each of such judges has jurisdiction for hearing and determining all cases and matters submitted to him, and has the same powers as if he were the only judge sitting in such place."

3. The lieutenant-governor, on the report of one of the law officers of the Crown, may from time to time by proclamation, suspend the holding of any ordinary term of the superior court, in any district, or if he deem it advisable, order the holding of a special term therein. L.-G. may suspend term or order special term.

This section shall also apply to the circuit court.

Circuit Court.

4. Section 5 of the act of this province 36 Vict., ch. 10, 36 V., ch. 10, is amended by striking out the words : " and one of the <sup>s. 5, amended.</sup> judges resident in the city of Montreal shall likewise exercise them in the district of Terrebonne," and by substituting the following therefor : " and the judge of the <sup>District of Terrebonne.</sup> district of Beauharnois shall likewise exercise them in the district of Terrebonne."

5. Section 7 of the last mentioned act is amended by striking out the words : " while such judge shall so have his domicile there," and by substituting therefor the following words : " unless such judge be ill or absent from the district." Sec. 7, of same act, amended.

6. Section 19 of chapter 78 of the consolidated statutes C. S. L. C., c. 78, s. 19, and other laws, repealed. for Lower Canada, and all provisions of law inconsistent with this act are repealed.

7. This act shall come into force on the day of the sanction thereof. Act in force.

## C A P . X I V .

An act to amend chapter 90 of the consolidated statutes for Lower Canada, with respect to judgments rendered out of this province.

[*Assented to 28th December, 1876.*]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

C. S. L. C., c.  
90, ss. 1, 2, 3,  
4, replaced.

**1.** Sections one, two, three and four of chapter ninety of the consolidated statutes for Lower Canada are repealed and are replaced by the following sections:

Judgment outside of Canada.

"1. In any suit brought in this province upon a judgment rendered out of the Dominion of Canada, any defence set up or that might have been set up to the original suit, may be pleaded to the suit upon such judgment."

Judgment in another province of Canada.

"2. In any suit brought in this province upon a judgment rendered by a provincial court in any other province of the Dominion of Canada, in a suit in which personal service was made on the defendant within such other province or in which in the absence of such personal service the defendant appeared, no defence that might have been set up to the original suit can be made and pleaded to the suit upon such judgment."

Suits against Corporations.

"3. In the case of a suit against a corporation, service within such other province on the officer or officers indicated in the charter or in the law under which the charter has been granted, or if such officer or officers cannot be found within such other province, service therein on any person through whom by the law of such other province a valid service on such corporation can be made, shall be held to be personal service to bring the case under the provisions of the preceding section."

Judgment in another province.

"4. In any suit brought in this province upon a judgment rendered by a provincial court in any other province of the Dominion of Canada, in a suit in which the defendant was not personally served within such other province, or in which in the absence of personal service he did not appear, any defence that might have been set up to the original suit, may be made and pleaded to the suit upon such judgment."

Pending cases.

**2.** This act shall not apply to judgments now rendered nor to pending cases.

## C A P. X V.

An act respecting the declaration to be made by incorporated companies.

[Assented to 28th December, 1876.]

CONSIDERING that it is necessary to increase the facilities for the institution of actions by giving more publicity to the existence of incorporated companies; Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. Every incorporated company, carrying on any labor, Declaration to be made. trade or business in this province, (except banks and insurance companies,) shall cause to be delivered to the prothonotary of the superior court in each district, or to the registrar of each registration division in which it carries on or intends to carry on its operations or business, a declaration in writing to the effect hereinafter provided, made and signed by the president, when its chief office By whom or principal place of business is in this province, or by signed. the principal manager or chief agent in the province, when it has only branches or agencies therein.

2. Such declaration shall state the name of the company; where and how it was incorporated; the date of its incorporation; and where its principal place of business within the province is situated. Contents of declaration.

3. Such declaration shall be in the form or to the effect Form of declaration. of the schedule A to this act, and shall be filed within sixty days after the coming into force of this act by companies carrying on operations or business at that date, and within sixty days after commencing their When to be filed. operations and business by companies commencing such operations and business subsequently.

4. When and so often as any change takes place in the New declaration. name of the company, or in its principal place of business in the province, a declaration thereof shall in like manner Delay. be made, within sixty days from such change.

5. It shall be the duty of every incorporated company, Duty of the company. carrying on any labor, trade or business in this province, (save banks and insurance companies as herein above mentioned,) to cause such declarations to be made and filed in the manner herein above provided; and it Duties of its officers. shall be the duty of the president, or of the principal manager or chief agent, as the case may be, of every such incorporated company, to make and file such declarations in the manner herein above provided;

Proviso.

But should any such declaration be made and filed at any time after the expiration of the period of sixty days above mentioned and before any complaint for contravention of this act has been made, then the company making and filing such declaration, its president, principal manager or chief-agent, as the case may be, shall no longer be deemed to have been in default.

Entry of declaration.

6. The prothonotary and the registrar shall enter each such declaration as aforesaid in the books kept by them respectively for the registration of declarations of partnerships.

Fee.

7. The prothonotary and registrar shall be entitled to the fee of one dollar for the entry of every declaration made under the authority of this act.

### SCHEDULE A.

Province of Quebec, }  
District of }

The—(name)—Company.

The—(name)—Company was incorporated in (name of the country, province, &c), by (Letters Patent or Statute, giving title, &c), granted, (or sanctioned or registered, as the case may be,) on the (date).

Its principal place of business in the province of Quebec is at (name of town, &c).

In testimony whereof this declaration in duplicate is made and signed by me, (name, address and calling) the (president, or principal manager, as the case may be) of the said company, at (name of place) on the (date).

### C A P. X VI.

An act further to amend the law respecting cadastral plans.

[Assented to 28th December, 1876.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

### RAILWAYS.

Plan of the property of a Railway, in any locality, and book of reference.

1. If after the closing of the cadastral plan of any locality, any land is taken for the line of a railway through and across the lots shown upon such plan, and designated in the book of reference thereof, the railway company is

bound to deposit in the office of the commissioner of crown lands, a plan showing the land taken for the line; <sup>Amendment</sup> and if the commissioner of crown lands find such plan to general plan. correct, he may amend the cadastral plan, by causing the land taken for the railway to be marked in red on it and on the copy thereof, and by certifying such addition.

2. There is given to the land in each locality forming such line of railway a number, to be its designation under the provisions of article 2168 of the civil code; and the lot so formed is entered in the book of reference in conformity with article 2167 of the civil code.

3. The land taken from each lot for such line of railway, on such amendment being made, is detached from and ceases to form part of such lot.

#### SUBDIVISIONS.

4. As soon as any subdivision plan or re-division accompanied with a book of reference shall be deposited with him, the registrar shall note in the index to immovables, under the number of the original lot, or of the subdivision or re-division, the fact that such lot has been subdivided or re-divided in whole or in part, as the case may be.

5. Whenever a subdivision or a re-division has been made, the particular number and designation given to each lot upon the plan and in the book of reference of such subdivision or re-division, are the true description of such subdivision lots respectively, which is sufficient as such in any document whatever; and the provisions of article 2168 of the civil code shall apply to the lots of such sub-division or re-division. When a part only of any original lot is subdivided, or when a part only of any lot in a sub-division is re-divided, the portion which remains undivided is sufficiently designated by calling it the residue of such original lot or of such lot in a sub-division.

6. The commissioner of crown lands may cause to be published in the *Quebec Official Gazette* the book of reference of any subdivision or re-division, with the same effect as is given to the publication of the book of reference of a locality by section 6 of the statute 32 Vict., chapter 25.

## C A P . X V I I .

An act to amend article 2042 of the civil code.

[*Assented to 28th December, 1876.*]

**H**ER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

**Act. 2042,  
c.c.amended.**

**1.** Article 2042 of the civil code of Lower Canada, is amended, by adding before the words "of the number or names under which it is known," the word "or," and after the said words, the following : " or of the lot and range or part of lot and range."

Certain  
hypothecs  
declared  
valid.

**2.** And whereas doubts may exist as to the validity of hypothecs granted since the coming into force of the civil code owing to the immovables hypothecated having been described by lot and range or part of lot and range, it is hereby declared that all such hypothecs shall be deemed good and valid to all intents and purposes as if the immovables affected had been specially described by a designation of the conterminous lands.

Pending  
cases.

**3.** Nothing in this act contained shall affect any suit now pending in any court in this province.

Act in force.

**4.** This act shall come into force on the day of the sanction thereof.

## C A P . X V I I I .

An act to amend article 499 of the municipal code of the province of Quebec.

[*Assented to 28th December, 1876.*]

**H**ER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

**Art. 499 of  
municipal  
code,amend-  
ed.**

**1.** Article 499 of the municipal code of this province is amended by adding thereto the following paragraph :

" But when these sums are intended to form a sinking fund, for the redemption of debentures issued, the council may, instead of depositing the same in an incorporated bank, redeem its own debentures."

Interpreta-  
tion.  
Act in force.

**2.** This act shall form part of the municipal code, and shall come into force on the day of the sanction thereof.

## C A P . X I X .

An act to provide for the safety and protection of the public, in theatres, public edifices or halls.

[*Assented to 28th December, 1876.*]

**H**ER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. By-laws shall, from time to time, be made and approved by the Lieutenant-Governor in council for the safety and protection of the public, in theatres, edifices or halls in which public meetings are held for amusement, public lectures or any performances whatever, concerning the mode of constructing such theatres, edifices or halls, the materials to be employed, and generally whatever may assure the security and facilitate the saving of the public, in the event of a panic, fire or other accident whatever.
2. Any by-law made by virtue of the preceding section may be amended or replaced by another made in the same manner, or may be solely revoked by an order in council.
3. The by-laws made under the authority of the two preceding sections, shall be, together with the orders in council approving of them, published in the *Quebec Official Gazette*, and shall come into the force of law as forming part of this act, on the day fixed by the order in council approving of the same.
4. It shall be the duty of every proprietor, tenant or person in possession of a theatre, edifice or hall mentioned in the first section of this act, to comply with the provisions of each and every such by-law in force, and to have a certificate to that effect from the commissioner of public works or other officer specially appointed by him, establishing the fact that the regulations prescribed have been followed and executed.
5. It will be lawful for the commissioner of public works to annul any certificate already given, if he thinks proper, after inspection of the premises, by himself or by an officer of his department.
6. No proprietor, tenant or possessor of a theatre, edifice or hall mentioned in the first section of this act, shall allow or permit any public meeting in such theatre, edifice or hall, nor give or permit to be given or held any

public lecture or performance whatever, unless he holds a certificate required by the fourth section, under a penalty of (1) dollars, for each such meeting, lecture or performance so held, given or permitted.

Recovery of fines.

7. The fines imposed by this act shall be levied, in the municipalities or cities within whose limits they may have been incurred, in the same manner and with the same effect, as those imposed for infractions of the by-laws of the council of such municipalities or cities respectively.

Closing of theatres, &c., without certificate.

8. The commissioner of public works may compel the proprietor, tenant or possessor of any theatre, edifice or meeting hall, who is required to have the certificate prescribed by this act, to shut up such theatre, edifice or hall, during the time he shall be without such certificate.

An order thus given may be executed, at any time, by the provincial or municipal police, either by preventing the public from entering the theatre, edifice or hall, or by causing the place to be cleared if a meeting has taken place.

Act in force. 9. This act shall come into force on the day of the sanction thereof.

## C A P . X X .

An act to amend "An act to provide for the safety and protection of the public, in theatres, public edifices or halls," passed during the present session.

[Assented to 28th December, 1876.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enact as follows:

40 Vict. c. 10, s. 6, amended. 1. Section 6 of the act of this session, intituled "An act to provide for the safety and protection of the public, in theatres, public edifices or halls," is amended by adding after the words: "under penalty of a fine of," the words: "one hundred."

Act in force. 2. The present act shall come into force on the day of the sanction thereof.

(1) See 40 Vict. C p. 2.

## C A P . X X I .

An act to amend and consolidate the game laws, in this province.

[Assented to 28th December, 1876.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. No elk, moose, caribou, deer, or their fawn, or hare shall be hunted, taken or killed between the first day of February and the first day of September in any year. Elk, moose, caribou, deer or hare.

2. No grouse, ptarmigan, partridge, woodcock or snipe shall be shot at, hunted, taken or killed between the first day of March and the first day of September in any year. Grouse, ptarmigan, partridge, woodcock, snipe.

3. No person shall fire at, hunt, take, kill or destroy any wild swan, wild goose, or any kind of wild duck, sea duck, widgeon or teal, between the first day of May and the first day of September, in any year, in that part of the province west of the city of Three Rivers, nor between the fifteenth day of the month of May and the first day of the month of September in any year, to the east of that town.

Nevertheless in that part of the province to the east of the place known as the "Brandy Pots," in the river St. Lawrence, the inhabitants may between the fifteenth day of the month of May and the first day of September in each year, hunt, take or kill for food only, any of the animals mentioned in this section.

4. No woodcock, snipe, wild swan, wild goose, or wild duck of any kind, or sea duck or teal shall at any time be shot at, hunted, taken or killed between one hour after sunset and one hour before sunrise. Hunting wild swan, etc., prohibited one hour after sunset, &c.

5. No animal or bird, named in the foregoing sections, except hares, shall be taken or killed at any time by means of any rope, snare, spring, cage, net or trap of any kind. Trapping certain birds prohibited.

No engine shall be, at any time, for such purpose placed, constructed, erected or set, either wholly or in part; and any person finding any engine so placed, constructed, erected or set, may take possession of or destroy the same.

6. No person shall at any time disturb, injure, gather or take the eggs of any species of wild fowl; and all vessels or boats employed in disturbing, gathering or taking the

eggs of any species of wild fowl, may, as well as the eggs, be confiscated and sold.

Wild cat,  
martin,  
pekan, mink.

7. No wild cat, martin or pekan shall be hunted, trapped or killed, between the fifteenth day of April and the first day of November, and no mink between the fifteenth day of April and the fifteenth day of October, in each year.

Otter.

8. No person shall hunt, trap or kill :  
1. Any otter between the first of May and the first of October in each year;

Beaver.

2. Any beaver between the thirtieth of April and the first of September in each year;

Musk-rat.

3. No musk-rat between the first of June in each year and the first of April following, for the districts of Quebec, Saguenay, Chicoutimi, Montmagny, Kamouraska, Rimouski and Gaspe, and between the first of May of each year and the first of April following, for the remainder of the province.

Certain poisons or spring-guns prohibited.

9. No person shall at any time use or employ strychnine or other deleterious poison, either mineral or vegetable, nor any spring-gun, to hunt, take, kill or destroy any animal whatever.

Game keepers to seize, etc.

10. Every game-keeper appointed by the commissioner of crown lands shall forthwith seize all animals or birds mentioned in the preceding sections, or any portion of such animals or birds, found by him in the possession or custody of any person during any forbidden period, and which appear to him to have been taken or killed during such period, or by any of the illegal means set forth in sections 5 and 9 of this act; and he shall bring them before any justice of the peace, who shall declare them confiscated either in whole or in part.

Confiscation.

Property of. All animals or birds, or portions of animals or birds so confiscated shall belong to the game-keeper.

Certain birds or animals, not to be had in possession.

11. No person shall have in his possession, custody or care, any animal or bird already mentioned, or any part of such animal or bird, with the exception of the skin, during the period in which by the act the killing thereof is prohibited, or which appears to have been taken or killed by any of the means forbidden by this act; but every such animal or bird, or any portion or portions thereof, may be bought or sold, (when lawfully taken), during fourteen days, to be computed from the expiration of the various periods respectively fixed by this act for the killing thereof.

Sale permitted 14 days after prohibition.

**12.** Every such game-keeper may cause to be opened Powers of or may himself open, in case of refusal, any bag, parcel, game keeper. chest, box, trunk or other receptacle, in which he has reason to believe that game killed or taken during the close season, or peltries out of season, are hidden.

**13.** Every offence against any of the provisions of this Fine; recover-act, shall be punishable by a fine not exceeding fifty dollars <sup>IV.</sup> and recoverable summarily on information, or on summons only issued by a justice of the peace.

Such justice of the peace, on the proof which shall be thereof made may impose the penalty, with costs, and such penalty shall belong to the informer.

In default of immediate payment, the offender shall be imprisoned in the common gaol of the district with in the limits of which the offence was committed, for any period of time not exceeding three months.

Every magistrate shall have power to convict on view. Conviction on view.

**14.** Suits brought in virtue of this act need not be begun by deposition or information on oath of the plaintiff or complainant, provided always that the purport of the complaint or demand is sufficiently set forth in the writ or in a declaration annexed thereto.

The evidence of the complainant alone, or of any one witness, shall be sufficient to support a conviction.

**15.** No proceeding under this act shall be quashed, annulled or set aside by *certiorari*; but an appeal may be brought before the circuit court of the district in which the offence took place, in the same manner as appeals under the municipal code.

**16.** No prosecution shall be brought after twelve calendar months from the day of the committing of the offence charged.

**17.** The commissioner of crown lands may appoint Officers to be officers to superintend the execution of this act, and of any other act which may be hereafter passed respecting game in this province.

**18.** The commissioner of crown lands or any person by him thereunto empowered, may grant written permissions to all persons, desirous *bona fide* of procuring birds, eggs or fur-bearing animals, for scientific purposes, during the close season; and the person who shall have obtained such permission shall not be liable to any penalty imposed by this act, provided that he produce, within two months next after the period in which he shall have hunted under such permission, a statement under oath specifying

ii. Kind and quantity of game or fur-bearing animals, taken from the stock mentioned objects.

19. All rules and parts of laws respecting game in this  
territory are suspended.

30. This Act shall come into force immediately after the signature thereto.

CAP. XXII.

Amendment further amend the laws concerning Public  
Health in this province.

Issued 10th December, 1876.]

His MAJESTY by and with the advice and consent  
of the Privy Council, grants as follows:

1. The Expressions "Schools" - Common Schools" or "Public Schools" used in Chapter 15 of the Consolidated Statutes of Lower Canada and in each and every the Act of Parliament shall always be included and designated and shall be called and designated "Elementary Schools, Elementary Schools and Institutes and every School or Institute of all descriptions" by the School Commissioners of Quebec.

2. The expression, as "Superintendent of Education" or "Superintendent" used in the said chapter 15 of the Constitution of Lower Canada, and the acts which establish a similar name, simply head and designate the Superintendent of Public Instruction.

2. The Province of Canada. 27th  
July, 1851, entitled: "An Act to facilitate and  
assist the Collection of School Rates," is  
hereby enacted.

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made, kept, adopted and followed by the said Trustees are declared good and valid, as if they had been made by the said corporation of Trustees; but the present section shall not have the effect of invalidating judgments that may have been rendered against the same.. Provis.

**5.** Section 10 of chapter 15 of the Consolidated Statutes C. S. L. C. c. for Lower Canada is repealed, and the following substituted therefor: 15, s. 10, re-pacd.

" 10. The Lieutenant-Governor in Council may ordain Appropriation that from and out of the said Income Fund, a sum, not exceeding two thousand dollars, may be placed apart and annually, or during a certain number of years, granted to assist and establish libraries in cities, towns, villages, parishes or townships, in School Municipalities in which suitable contributions have been raised by such School corporation or otherwise for that purpose, and such assistance shall be given in money or in books upon the conditions deemed requisite by the Lieutenant-Governor in council: and the Municipalities and School Corporations in this Province may appropriate such portion of their revenues or such sum of money as they may deem expedient for that purpose, or issue such amount of debentures or bonds with the view of creating a fund for that purpose, and this, with the authority of the Superintendent; and such libraries shall be under the management, inspection and by-laws which the Catholic or Protestant Committee, as the case may be, of the Council of Public Instruction shall from time to time prescribe, and these by-laws shall be published by the Superintendent in the " *Journal de l'Instruction Publique* " and in the " *Journal of Education*. " Management of libraries.

**6.** Section 22 of Chapter 15 of the Consolidated Statutes for Lower Canada is amended by adding thereto the following sub-sections after the 9th sub-section. C. S. L. C. c. 15, sec. 22 am. aded.

" 10. The costs shall be recovered by action at law in Recovery of the name of the Superintendent; and the certificate of the Commissioner or Commissioners establishing the amount of these costs shall be sufficient proof of the debt up to the amount certified."

" 11. Every teacher whose diploma, certificate or *brevet* Revoked of capacity, shall have been revoked, and after the lapse of two years from his dismissal, after having established to the satisfaction of the Catholic or Protestant Committee of the Council of Public Instruction, as the case may be, that his conduct as a teacher, both as regards morals and temperance, has been satisfactory, and having obtained a certificate from the said Committee, and also upon proof that he has completely satisfied the judgment to which he was condemned, may continue the exercise of his

functions in virtue of his diploma which then shall have the same validity as before his dismissal; but this diploma may be revoked for the same causes, if they occur, and in this last case such teacher cannot for the future receive any diploma."

Powers of  
Committees of  
Council of  
P. I.

**7.** The words "Catholic Committee of the Council of Public Instruction" and "Protestant Committee of the Council of Public Instruction," shall be substituted for those of "the Council of Public Instruction," wherever these latter words are used in section 22 of chapter 15 of the Consolidated Statutes for Lower Canada.

Manner of  
dismissing a  
school  
inspector  
after investiga-  
tion.

**8.** The said Catholic Committee or the Protestant Committee, as the case may be, may, for the causes mentioned in the said 22nd section of chapter 15 of the Consolidated Statutes for Lower Canada, and after having followed the same formalities, upon complaint to that effect, cause an inquiry to be held into the conduct of any Inspector of Schools, on account of bad conduct, immorality or intemperance, or serious neglect in the execution of his duties, and afterwards, they shall forward all the documents to the Lieutenant-Governor in Council praying, if there is occasion, for the dismissal of such inspector and the cancelling of his commission; if such inspector is dismissed he cannot afterwards occupy the same office.

C. S. E. C.  
c. 15, s.  
46, repealed.

**9.** Section 46 of the said chapter 15, of the Consolidated Statutes for Lower Canada, is repealed.

31 V., c. 22, s.  
4, repealed;  
C. S. L. C., c.  
15, s. 64, §  
7, replaced.

**10.** The 7th sub-section of section 64 of Chap. 15 of the Consolidated Statutes for Lower Canada, and section 4 of the Act 31 Vict., Chapter 22, are repealed and the following sub-section as forming part of the said section 64 is substituted therefor:

"7. No tax shall be levied for the construction of a superior school, academy or model school, exceeding the sum of \$3,000, nor exceeding the sum of \$1,600 for the construction of an elementary school-house; and the school-houses shall be built in accordance with and upon plans approved or furnished by the Superintendent, who upon request to that effect, may authorize the School Commissioners or Trustees to levy a larger sum than that indicated in this section for the construction of school-houses."

Limited as-  
essment, for  
building  
school-  
houses.

Plans ap-  
proved.

Power of  
Superinten-  
dent.

C. S. L. C., c.  
15, s. 64, §  
8, replaced.

**11.** The 8th sub-section of section 64 of chapter 15 of the Consolidated Statutes for Lower Canada, is struck out and the following substituted therefor:

"8. When a site for a school-house is chosen by the School Commissioners or Trustees, or a change is made in the limits of a school district, or a new school-district

Case of appeal  
to superin-  
tendent.

is established in a school-municipality, or when one or more established school-districts are changed or subdivided, or when the School Commissioners or Trustees refuse or neglect to exercise or fulfil any of the functions or duties conferred upon them by this section, the rate-payers interested may at all times appeal to the Superintendent, by summary petition ; but such appeal shall not be allowed unless with the approval of three visitors other than the School Commissioners or Trustees of the said municipality ; the decision given by the Superintendent shall be final and he may by such decision order the School Commissioners or Trustees to do that which they have been required or which he orders them to do, or abstain from doing, or to do only in whole or in part and upon the conditions required by such decision."

**12.** Section 67 of chapter 15 of the Consolidated Statutes for Lower Canada is repealed, and the following is substituted therefor :

" 67. The School Commissioners or Trustees cannot exact monthly contributions from the following :

1. From indigent persons ;  
 2. Nor from persons for insane, deaf or dumb children ;  
 3. Nor from persons whose children are unable to attend school from serious and prolonged illness ;  
 4. Nor from any persons for children who are absent from the school-municipality for their education ;  
 5. Nor from any persons for children attending a college or other incorporated educational institution or receiving a special grant from the public funds other than those under the control of the School Commissioners or Trustees, situated within the limits of the school municipality, attending such college and following a classical course therein, or being boarders by the year and for the whole year in such college or incorporated educational institution or receiving such special grant from the public funds other than those under the control of the School Commissioners or Trustees."

**13.** Sub-section 2 of the 84th section of chapter 15 of the Consolidated Statutes for Lower Canada is struck out and replaced by the following :

" 2. And the notice given in the manner hereinbefore prescribed for the holding of general meetings stating that the assessment-roll thus established is in the hands of the secretary-treasurer for inspection, shall be a sufficient publication and notice ; and the said roll shall remain in his hands for inspection for at least thirty days after notice has been given, and during the last ten days of such time the School Commissioners or Trustees may amend it ; after which the said roll shall come into force and the assessments must be paid."

§§ added.

Compulsory examination of and amendments to roll.

And the said 84th section is amended by adding thereto the following sub-sections :

“ 3. The School Commissioners or Trustees must within the last ten days of the delay of thirty days, even though no complaint has been made, examine and amend the assessment roll by rectifying errors made in transcribing the valuations, or in the names of persons and descriptions of lands entered therein, or by inserting names of persons and descriptions of lands which may have been omitted, or by striking therefrom persons and lands which may have been erroneously inserted, or by correcting errors made in calculating the school rates payable by each rate-payer.”

Contents of notice of deposit.

“ 4. The School Commissioners or Trustees must in the notice of the deposit of the assessment roll inform the rate-payers of the day and hour and place of the meeting, at which they will proceed to such examination and amendment.”

Demands of amendment.

“ 5. Any rate-payer may demand that the assessment-roll be amended in any of the particulars above mentioned, either by producing a complaint in writing before or upon the day fixed for the examination, or by stating his complaint verbally at the examination ; and the School Commissioners or Trustees must take into consideration all complaints lodged in writing or made verbally, and hear all interested parties who may be present.”

Entry of amendment.

Declaration.

“ 6. Any amendment made to the assessment-roll must be entered upon it or on a paper annexed thereto with the initials of the secretary-treasurer ; and a declaration testifying to the accuracy of the amendments and determining the number thereof, must be entered upon the assessment-roll or annexed thereto, under the signatures of the chairman and the secretary-treasurer.”

Collection of assessment.

“ 7. After the expiration of twenty days from the said delay of thirty days, the collection of the school-rates may be enforced by the School Commissioners or Trustees either by suit or prosecution, or by a warrant of distress, or by adjudication and sale by the municipality, of the property liable for such school-rates.”

Special notice and statement to resident rate-payers required.

“ 8. To collect the school-rates by warrant of distress, and before proceeding to the adjudication and sale of the lands liable therefor of resident rate-payers, the secretary-treasurer shall make a demand of payment of the school-rates entered in the assessment-roll and remaining uncollected from the persons liable for the same, by serving or causing to be served upon them a special notice to that effect, accompanied by a detailed statement of the sums due by them.”

Service of notice.

“ 9. Such service is effected as respects resident rate-payers by leaving a copy of the special notice with the individual to whom it is addressed, in person, or with a

reasonable person at his domicile, or place of business; and as respects non resident rate-payers by lodging in the Non resident post-office, in or nearest to the school-municipality, a copy rate-payers. thereof in a sealed and registered envelope, addressed to the individual for whom it is intended at the place of his residence or business."

" 10. If after the fifteen days next following the de- Seizure of mand made by such special notice, the sums due and effects. specified therein have not been paid, with the costs incurred thereby, the secretary-treasurer may levy them by seizure and sale of the goods and chattels of the persons liable therefor which may be found within the limits of the school-municipality. The fee for such special notice Fees. and that for its service shall be fixed by resolution of the School Commissioners or Trustees."

" 11. Such seizure and sale are made under a warrant signed by the chairman of the School Commissioners or Trustees and addressed to a bailiff, who executes it under his oath of office and according to the same rules and under the same responsibilities and penalties as a writ of execution *de bonis* issued by the circuit court." <sup>signing and service of writ of attachment.</sup>

" 12. The chairman of the School Commissioners or Trustees in giving and signing such warrant does not incur any personal responsibility; he acts under the responsibility of the school corporation, in whose interest the distress is made."

" 13. The day and place of sale of the goods and chattels so seized must be announced by the bailiff by public notice in the manner prescribed for judicial sales of movables; and such notice must also state the names and quality of the rate-payers whose goods and chattels are to be sold." <sup>advertisements required.</sup>

" 14. If the rate-payer is absent, or if there is no person to open the doors of the house, cupboards, chests or other closed places, or in the event of refusal to open the same, the bailiff may, by an order of the chairman of the School Commissioners or Trustees, or of any Justice of the peace, cause the same to be opened by the usual means in presence of two witnesses, with all necessary force." <sup>Case where doors are closed.</sup>

" 15. Any rate-payer who has been required to pay as school rates a larger sum than he owes or who has already paid, and any person having a right of ownership or a privilege on the property seized, may, as the case may be, oppose seizure and sale." <sup>Opposition to attachment.</sup>

" 16. Such opposition must be supported by an affidavit, attesting the truth of the allegations it contains, and be allowed by the Judge, or the clerk of the circuit court of the county or district, or the clerk of the Magistrates' court, in the district in which the school-municipality is situated, who shall endorse thereon or annex to it an order to the bailiff to return within eight days from ser-

vice, the warrant of distress and all his proceedings before the circuit court of the county or district or before the magistrates' court at its next term. But such permission shall not be granted unless a deposit of five dollars be made in the office of the secretary-treasurer of the school-municipality or of a sum equal to that claimed in and by the warrant of distress; if such sum does not exceed five dollars. Such sum shall be returned to the person who paid the same if the opposition is declared valid; if not, it shall go towards the payment of the costs incurred."

Stay of proceedings;  
return.

" 17. On the service of such opposition and order on him, the bailiff must stay his proceeding and he must return the warrant of distress and all his proceedings thereon before the court mentioned in the order, within the eight days next following the service. If the opposition is to the payment of the proceeds of any sale, he must pay over the money in his hands, after deduction of the costs of seizure and sale, to the secretary-treasurer who receives the same on deposit."

Hearing.

" 18. The opposition is subsequently heard and decided according to the ordinary rules of procedure of the court. The proceeds of any sale are distributed by the court and they are then applied or paid by the secretary-treasurer according to its order. When the opposition to any seizure is dismissed, the court orders the same or any other bailiff to proceed upon the warrant of distress, and upon the delivery to him of this warrant and judgment, the bailiff proceeds with the sale of the goods and chattels seized."

If no opposition.

" 19. When no opposition to the distribution of the proceeds of the sale of the moveables seized is made, the bailiff returns the warrant, and his proceedings thereon, and pays over the proceeds of the sale, after deduction of the costs of seizure and sale, to the secretary-treasurer, who applies such proceeds towards the payment of the school-rates for which the warrant of distress was issued and of the costs. If there be any surplus, it is paid by the secretary-treasurer to the rate-payer whose goods and chattels were sold."

Surplus.

Statement of assessments due, to be prepared in November.

" 20. If ordered by the School Commissioners or Trustees, the secretary-treasurer must prepare in the course of the month of November in every year, a statement of the school-rates remaining due by absent rate-payers and by resident rate-payers, and at the same time a statement of the school-rates due by resident and absent rate-payers with respect to whom either a warrant of distress or a writ of execution has been returned unsatisfied, and of any costs incurred and unpaid; showing the names and qualities of such rate-payers, and a description of the lands liable according to the rolls of valuation and assessment."

" 21 Such statement shall be submitted to the School- Commissioners or Trustees and must be approved of by them. It shall then be transmitted by the secretary-treasurer before the twentieth day of December, to the secretary-treasurer of the County Council ; and the latter shall proceed to the sale and adjudication of the lands mentioned therein in the same manner and with the same effect as in the case of a statement of municipal tax arrears transmitted by the secretary-treasurer of the local municipal council. He shall pay over the amounts recovered to the secretary-treasurer of the School Commissioners or Trustees "

14. Whenever a copy of judgment condemning a school corporation to pay a sum of money, has been served at the office of the secretary-treasurer of that school corporation, he must forthwith convene a meeting of the School Commissioners or Trustees ; and the School Commissioners or Trustees must order the payment of judgment out of any appropriated funds at their disposal. If there are no funds unappropriated for that object, or if those at their disposal are insufficient, they must apply to the Superintendent of Public Instruction for authorization to levy a special assessment to pay the same and this in conformity with the 86th Section of Chapter 15 of the Consolidated Statutes for Lower Canada.

2. If the Superintendent authorizes the levying of such special assessment, steps shall be taken without delay, by the School Commissioners or Trustees to complete a special assessment roll, in the manner and with the formalities required for completing an ordinary roll for assessments and collection of rates. If the Superintendent does not furnish the authority within fifteen days from the time when it shall have been demanded from him ; or if the amount of the special assessment which he has authorized to be levied has not been collected ; or if the School Commissioners or Trustees have not proceeded to complete this roll within the fifteen days following the date of the authorization by the Superintendent ; or if the School Commissioners or Trustees refuse or neglect in any manner to proceed with the completion of the roll, to impose the rate, or to collect it, in whole or in part ; then in any one of these cases the judgment creditor, on production of the return of service of a copy of the judgment, and of one or more affidavits to the satisfaction of the tribunal or judge establishing proof of the non-performance of one or other of the provisions indicated in the present subsection, may obtain the issue of a Writ of Execution against the school corporation in default.

3. The court which has rendered the judgment, or a judge of this court, may, on petition, grant to the Superintendent a Delay may be granted by Court.

intendent, or to the School Commissioners or Trustees, the delay deemed necessary by the court or judge for completing the special assessment roll, or for levying the sums of money specified therein, or for any other object connected with this special assessment and collection roll.

Address and  
contents of  
writ of  
execution  
against goods  
of school  
corporation.

4. Such writ of execution is addressed and delivered to the sheriff of the district in which the school municipality in question is situated, and enjoins him :

*a.* To levy from the school corporation, with all possible despatch, the amount of the debt with interest and the costs as well of the judgment as of the execution ;

*b.* In default of immediate payment by the corporation, to seize and sell any movable property, if any there be held by it, and any real estate belonging to it upon which the judgment creditor may have a privilege or an hypothec, and of which the seizure and sale may be ordered by this judgment.

Case of *alias*  
writ, to  
collect  
amount from  
rate-payers.

5. In the event of there being no real or personal property belonging to the said school corporation to be seized and sold or in the event of any such property being insufficient to satisfy the judgment ; on the production of the return of the sheriff to the court to that end, or after the homologation of the judgment of distribution establishing its insufficiency, an *alias* writ of execution may be issued against the said school corporation in default addressed to the sheriff and enjoining him to levy from the school corporation, the amount, or the balance, as the case may be, of the debt, and with interest and costs, including those of the judgment, the subsequent costs incurred, by apportioning the sum required on all the rateable real property, in the school municipality, liable for the judgment, in proportion to its value ; to exact and collect the assessment laid by him ; and to make a return to the court of the amount levied and of his proceedings as soon as the amount of the debt, interest and costs has been collected, or from time to time as the court may order.

Duties of  
Sheriff.

6. The sheriff shall procure a copy of the valuation roll in force from the secretary-treasurer of the local municipality in which the School Municipality is situated, on payment of the usual fees ; and on refusal or neglect of the secretary-treasurer to furnish such copy, the sheriff is authorized to take possession of the valuation roll and to make a copy or to cause one to be made. If he cannot obtain the valuation roll, or if none exists, the sheriff proceeds to make a valuation of the assessable property himself.

7. The fees and costs of the sheriff on the execution of the said writ of execution are fixed by an order of the court or of a judge thereof ; and such fees and costs, with

Fees and  
costs.

all legitimate disbursements, are added to the amount to be levied.

8. The sheriff shall proceed to apportion the sum to be levied on all the rateable real property in the School Municipality in proportion to its value by the copy of the valuation roll in force, or by the valuation made by himself as the case may be; and he shall make a special assessment roll of such apportionment.

9. The sheriff shall publish such special assessment roll in the manner required by section 84 of chap. 15 of the Consolidated Statutes for Lower Canada, and by section 13 of the present act; and on the day fixed for such purpose he shall hear and decide all complaints made either in writing or verbally by the rate-payers, and shall make, in accordance with the said sections, such amendments to the special assessment roll as he may deem right, and the special assessment shall become payable at the sheriff's office at the expiration of the delay of thirty days.

10. After the expiration of twenty days from the said delay of thirty days, the sheriff shall exact and levy the amount entered on the special assessment roll.

11. The sheriff shall make a demand of payment of the uncollected special rates, by causing to be served upon the rate-payers in default a special notice with a statement of the sums due by them respectively, in the manner mentioned in the ninth sub-section of section 18 of this act.

12. If after the fifteen days next following the service of such special notice the sums due and specified therein have not been paid, with the costs incurred thereby, the sheriff shall issue a warrant of distress to a bailiff, who shall execute the same in the manner prescribed by subsections 11, 13, 14, 17, 18, 19, of the 13th section of this act, but the bailiff shall pay the proceeds of the sale made by him to the sheriff instead of to the secretary-treasurer. Any rate-payer and any person may make an opposition to such seizure or sale or to the payment of the proceeds thereof, for the causes, in the manner and to the ends mentioned in paragraphs 15, 16, 17 and 18 of the 13th section of this act.

13. The sheriff shall collect the unpaid assessment of the resident rate-payers from whom it has been impossible to collect by distress on their goods and chattels and those of non-resident rate-payers by the sale and adjudication made by him of their lands for the amounts for which such lands are respectively liable on the first Monday of March in any year, in the manner and according to the rules laid down for the sale of real estate for arrears of municipal taxes and with the same effect, after having given himself or caused to be given the publications and notice

Apportion-  
ment and  
special roll  
to be made  
by Sheriff.

Roll to be  
published.

Complaints  
and hearing  
thereof.

Roll in force.

Special notice  
by Sheriff.

Warrant of  
distress  
issued by  
sheriff; ex-  
ecution  
thereof.

Sale of lands  
by sheriff.

required to be given by the secretary-treasurer of the county council.

When land is  
to be sold for  
municipal  
taxes also.

**15.** If any land advertised to be sold by the sheriff is advertised to be sold on the same day by the secretary-treasurer of the county, the latter cannot sell the land, but must forthwith transmit to the sheriff a statement of his claim and costs, which the sheriff shall levy with the special assessment, and shall hand over to the secretary-treasurer.

Redemption  
of lands.  
Deed of sale.

**16** The redemption of lands sold by the sheriff shall be effected with him; and in default of such redemption he shall give the deed of sale.

Arrears.

The sheriff must transmit a copy of his special assessment roll showing thereon what amounts have been collected, to the School Commissioners or Trustees, after having levied the whole amount set forth in the *alias* writ of execution, with interest and costs. All arrears shall belong to the school corporation, and may be recovered in the same manner as the ordinary rates. If any surplus remains in the hands of the sheriff it shall also belong to the school corporation and must be paid over by him to it.

Orders of  
Court.

**17.** The sheriff may obtain from the court any order calculated to facilitate and ensure the execution of the writ of execution.

Sheriff's fees.

**18** The sheriff shall be entitled with respect to the special notices to rate-payers to such fees and disbursements as may be fixed by an order of the court or of a judge thereof; and with respect to the sale and adjudication of lands to the same fees and disbursements as the secretary-treasurer of the county.

If debt is for  
school house,  
for portion of  
municipality.

**19.** If judgment is rendered for a debt due for the building of a school house for which a portion only of the school municipality is liable, the judgment, the writ and the *alias* writ of execution shall mention such fact; and the assessment in such case shall be laid only on the real property situated in that part of the School Municipality which is liable, in virtue of the judgment.

Seizure of  
other goods  
belonging to  
corporation.

**20.** If the school corporation against which any judgment has been rendered, ordering the payment of any sum of money, holds any real estate, other than Model or District School Houses, which is not affected by privilege or hypothec in favor of the judgment creditor, such property may with the express authorization of the Superintendent of Public Instruction, be seized and sold in the

Authoriza-  
tion required.

ordinary manner prescribed in the code of civil procedure ; and movable effects of the school corporation in the possession of a third party and debts due to it, may also be attached in such ordinary manner.

**21.** The 5th sub-section of the 110th Section of Chapter C. S. L. C., c. 15 of the consolidated statutes for Lower Canada is struck <sup>15, s. 110 § 5</sup> replaced. out and the following is substituted therefor :

“ 5. To deliver to each candidate, deemed worthy, a diploma, certificate or *brevet* of capacity as a teacher, signed by the President or Vice-President and the secretary, sealed with the seal of the board, bearing a date, and distinctly indicating the nature of the special branch of teaching to which such candidate intends to devote himself ; if he can teach both French and English, if not, which of these two languages ; his age, his last place of residence and his professed religious belief ; if the certificates of age and of morality required by this act have been submitted to the board ; the names of the persons also who have signed such certificates, and if copies thereof have been taken ; but previously all candidates presenting themselves before the competent board to obtain a diploma, certificate or *brevet* of capacity for a Model or Elementary school, shall pay to the secretary of the said board a sum of two dollars, and for an academy Diploma, the sum of three dollars ; out of such sum there shall be paid to the secretary of the board the sum of one dollar <sup>Fee.</sup> Application. for filling up, signing and registering such certificate, diploma or *brevet* of capacity, and the balance shall be used in paying the expenses of the Board of Examiners ; none of such sums shall be returned to the candidate who has been unable to obtain a diploma, certificate or *brevet* of capacity which he may have sought, but he may present himself a second time at the next meeting of the Board without paying further fees.”

**22.** Section 127 of the said chapter 15 of the Consolidated Statutes for Lower Canada is struck out and the following substituted therefor : <sup>Sec. 127 of same act replaced.</sup>

“ 127. If any School Commissioner, Trustee, or secretary-treasurer, after dismissal, resignation, or retirement from office, or any other person whatever, retains, keeps, or takes possession of or refuses to deliver up, any book, paper or thing, money, sum of money, insignia, or any object belonging to the School Commissioners or Trustees of any school Municipality, he shall thereby incur for each day during which he retains, appropriates or refuses to deliver such books, paper or thing, money or sum of money, insignia or any other object whatever, a fine of not less than five nor more than twenty dollars (and such fine may be sued for and recovered in one and the same action,) <sup>Fine.</sup> Digitized by Google

Notice served.

after notice from the Superintendent of Public Instruction ordering him to deposit or deliver them into the hands of the person indicated in such notice, which notice may be served by a bailiff of the Superior Court, upon the person mentioned in the notice, either in person or at his domicile, and the said bailiff shall make his report or return of such service to the Superintendent, under his oath of office and thenceforward the said notice, report or return shall be authentic.

Suit in Superior Court.

2. The Superintendent may in the same action demand the return of such books, papers or things, money or sums of money, insignia or other objects whatever, and the defendant may be condemned thereto upon such penalties as the Court may inflict; the judgment shall in all cases carry costs and shall be executed in the usual manner; but the Superior Court shall alone have jurisdiction to hear and decide such actions, whatever be the amount.

Imprisonment.

3. The fine to which the defendant shall be condemned shall be considered as a personal debt against him, and the court may condemn the defendant to be imprisoned, in default of payment of the fine, or in default of the defendant returning within the delay mentioned, the said books, papers or things, money, insignia, or other objects whatever or any of them.

Application of fine.

4. The said fine shall be recoverable before the Superior Court, and as soon as recovered shall be paid over into the hands of the Superintendent, who shall deduct the expenses occasioned by such suit and the balance shall form part of the Common School Fund and shall be employed as such.

Suits.

5. All actions brought under this section shall be in the name of the Superintendent."

Interpretation of 39 V., c. 15, s. 12.

23. To remove all doubts as to the interpretation of the 12th section of the act 39 Victoria, Chapter 15, it is declared that the first section of Chapter 16 of the 32nd Victoria as amended by the 6th section of Chapter 12, 35 Victoria, was alone in force, and that the Protestant portion of the Council of Public Instruction ought to have been and is composed of eight members.

Idem. s. 14, amended.

24. Section 14 of the said Act (39 Victoria, chap. 15) is amended by adding at the end thereof "and in the case of the absence or sickness of the Superintendent, the Council shall appoint one of its members present to preside over the meeting."

By-laws and regulations of boards of examiners.

25. The Catholic or Protestant Committee may, each within the limits of its authority, make By-laws and Regulations (in addition to those at present in force), for the

government, management, division or sub-division of Boards of Examiners of the religious belief of each Committee; and such by-laws and regulations shall come into force after having been sanctioned by the lieutenant-governor in council, and published in the *Journal de l'Instruction Publique* and in the *Journal of Education*.

Publication thereof.

**26.** The secretary-treasurer of the School Commissioners or Trustees shall collect from the rate-payers in the municipality, a sum that will allow of the payment of the salary of the male and female teachers, at the expiration of each half year of their engagement, which shall be shown in his half yearly report to the Department of Public Instruction, except, however, for the half year current at the time of the passing of this act.

Salaries of teachers, payable annually.

To be mentioned in report.

**27.** The government grant shall be paid only on the conditions mentioned in the preceding section.

**28.** The School Commissioners or Trustees, or the secretary-treasurers shall, for any infraction of the provisions contained in the 26th and 27th sections of this act, incur for each offence a fine not exceeding twenty dollars.

**29.** When a Depository of books, publications, maps, models, specimens, apparatus and other school furniture, shall have been established in the Department of Public Instruction, all the books, maps and ordinary school furniture, required by the children attending school, shall be supplied by the Superintendent, to each School Municipality, and the School Commissioners or Trustees shall pay the costs thereof to the Superintendent and shall afterwards distribute them to the children attending school at the same prices which they have paid for them, and regard shall be had to this expenditure in the sum to be levied by taxation by each School Municipality.

Supply of books, etc., to municipalities by Superintendent.

**30.** The School Commissioners or Trustees and their secretary-treasurers shall, during the course of the months of July and August in each year, make a requisition to the Department of Public Instruction for the books and other school furniture that they may require for the schools in their Municipality. The articles thus demanded shall be forwarded by the Department without delay.

Requisition to that effect.

**31.** For this purpose regulations shall be established by the Superintendent, which shall come into force as soon as they have been sanctioned by the Lieutenant-Governor in council.

By-laws to same effect.

**32.** Drawing shall, as much as possible, be taught in *Grades* <sup>Teaching of drawing in Schools.</sup>

all the schools, held in conformity with the laws concerning Public Instruction in this Province.

Rules of  
Council of  
Arts and  
Manufactures  
to be  
submitted  
to the  
Government  
for  
approval  
and  
publication  
as  
necessary.

**33.** The Council of Arts and Manufactures as constituted by chapter 7 of 36 Victoria, in addition to the Rules and Regulations which it is authorized to make in virtue of the said Act, shall further make Rules and Regulations for the establishment, management, administration and carrying on of a system of teaching Drawing in all its branches in the schools under the control of School Commissioners and Trustees of Dissident Schools, shall determine the manner and method to be followed in teaching Drawing, shall approve the books, copy-books, maps or plans to be used in each school for the teaching of such Drawing, and shall, as much as possible, establish a uniform system of teaching Drawing ; such Rules and regulations shall be submitted to the approval of the Catholic or Protestant Committee, of the council of Public Instruction, as the case may be and the Superintendent shall cause the same to be published, after aproval of the same in the *Journal de l'Instruction Publique* and in the *Journal of Education*, and they shall then come into force.

Members  
ex-officio.

**34.** The Provincial Secretary and the Superintendent shall be *ex-officio* members of the Council of Arts and Manufactures.

Members of  
C. A. M. to be  
visitors of  
schools.

**35.** Each member of the Council of Arts and Manufactures shall be a visitor of the Schools of his religious belief in each Municipality.

Suit of Super-  
intendent  
against Sec-  
retary, in red-  
dition ou révi-  
sion de compte.

**36.** The Superintendent may in his own individual name, sue, before any Court of competent jurisdiction, any secretary-treasurer whatever in an action *en reddition de comptes, en reformations, redressement ou revision de comptes* each and every time that he is assured that such accounts have not been rendered, or if having been rendered that they are informal, irregular, illegal, fraudulent or erroneous, and may demand that all agreements entered into between School Commissioners or Trustees and the secretary-treasurer, or any other persons with reference to such accounts or their rendering be set aside, annulled or modified in whole or in part ; but the Superintendent shall not enter into any such suit before having made a demand (*mis en demeure*) upon such School Commissioners or Trustees, as the case may be, by a notice signed by the Superintendent and served upon them by a bailiff of the Superior Court, who shall serve such notice upon the persons mentioned therein in per-

Commission-  
ers to be  
previously  
notified.

son or at their domicile, to institute such action themselves, within the delay indicated in such notice, and such delay expired, if the Commissioners or Trustees have not instituted the action, the Superintendent shall do so. The Superintendent may intervene in any such suit, brought by the said Commissioners or Trustees, to watch the judicial proceedings and advance them, if there is occasion. The suits or intervention of the Superintendent in virtue of this section, shall be at the expense of the Costs, School Commissioners or Trustees.

The sureties of any secretary-treasurer may also be *mis Sureties of en cause* in any action brought against a secretary-treasurer by the Superintendent. Sec. Treas.

**37.** The Superintendent when he shall deem it necessary may also, in his own name, sue the School Commissioners or Trustees who shall refuse or neglect to pay to any teacher his salary or part of his salary due to him, and in such case the Superintendent shall sue for the amount due as a personal debt due to himself; and he shall be substituted to such teacher for such purpose, and the judgment rendered against such School Corporation shall be executed by the ordinary means of execution or by seizure by garnishment or in any other manner, the judgments of Courts of Justice may be executed against such School Corporation; and the Superintendent shall remit the sum recovered to the party interested, deduction being made of all costs.

**38.** The books of account in each School Municipality shall be kept in the form, and in accordance with the form, which shall be determined upon by the Superintendent and not otherwise.

**39.** When a School Municipality has been formed and includes parts of other municipalities and when the valuation roll in force in each of these latter municipalities is not uniform, or the property is valued more in one than in the other, in such case the School Commissioners or Trustees of the new School Municipality, shall during the course of the two months which shall follow their appointment cause a valuation roll to be made of the property situated in the School Municipality, by three competent persons who shall act as assessors; and when the valuation roll shall be closed the assessors shall deposit it in the office of the secretary-treasurer of the School Commissioners, who shall give public notice of such deposit, and during the twenty days following such notice, any person interested may inspect the same; and at the expiration of these twenty days, the valuation roll shall *de facto* be homologated, but the Commissioners may amend it when

they deem it expedient to do so, after having given eight days public notice of the day and hour of the meeting at which such amendment shall be made; and such roll being certified by the assessors in presence of a Justice of the Peace, who shall sign it, shall become and be the valuation roll which shall serve as a basis for the assessment roll of the said School Commissioners or Trustees, and it shall remain in force until the rural Municipal authority shall have made one according to law.

Effect of  
Division of  
District, as  
regards  
school-house.

**40.** When a School District is divided by the creation of a new District or new Municipality, the part on which is situated the school house, shall retain the property thereof and if it has been built at joint expense, shall pay to the other an amount which shall be established *pro rata* by the valuation of the real property of the parties interested.

In case of  
dissident  
minorities.

**2.** The same rule shall be followed when the religious minority shall declare themselves dissentient, and, unless an understanding to the contrary be come to with the minority, the majority shall keep the said school house, on payment of an amount determined as above.

Valuation of  
house and  
land.

**3.** In either of such two cases the School Commissioners or Trustees of the Municipality in which is situated the said school house shall entrust three competent persons with the making of a valuation of the said school-house, and of the land upon which it is built, if this land has not been acquired by gratuitous title, and such valuation approved by them shall be final.

Appeal to  
Superinten-  
dent.

**4.** If after such valuation, the parties interested still do not agree, there shall be an appeal to the Superintendent, and the latter, after the said valuation and an authentic copy of the valuation roll of the property of all the parties interested have been placed in his hands, shall pronounce a final decision.

Apportion-  
ment and  
collection of  
assessments.

**5.** In these divers cases the School Commissioners or Trustees shall without delay apportion between the proper persons the amount to be paid, shall collect the money as soon as possible by legal process as in the case of collection of taxes, and shall render account to the parties interested.

Superin. to  
be visitor of  
A. & M. sch.

**41.** The Superintendent shall be *ex officio* visitor of the schools of Arts and Manufactures, established in the Province.

Qualification  
of School  
Inspectors.

**42.** No person shall be appointed school inspector unless he has attained the age of twenty-five years; and obtained a certificate or *brevet* of capacity or diploma for an Academy, Model School or Elementary School; taught school during at least five years and has discontinued

teaching not more than five years, and has been examined before the Catholic or Protestant Committee of the Council of Public Instruction, as the case may be, or by any sub-committee appointed by either of the said committees, upon his fitness and ability to fulfil the duties of the office, the whole in accordance with the rules which each committee shall make ; and such examination shall be held before the committee or such sub-committee of either of the said committees, as the case may be, or before any person chosen or appointed by the said committee, as the case may be ; the Rules and Regulations concerning such examination shall be published in the *Journal de l'Instruction Publique* and the *Journal of Education*.

**43.** The seventh section of Chapter 12 and 35 Vict., is 35 Vict., c. 12, amended by adding thereto the following words : "Every male or female teacher who does not intend to continue his or her engagement for the following year must give a like notice to the School Commissioners or Trustees." 8. 7, amended. Notice required from teacher discontinuing engagement.

**44.** The Scientific and Industrial school called the "Polytechnic School of Montreal" shall in future be known under this name, and is placed under the control of the Superintendent of Public Instruction, in conformity with the programme established on the 20th November, 1873, between the Minister of Public Instruction and the Roman Catholic School Commissioners of the City of Montreal ; but such programme may be modified, changed or extended in whole or in part by the Superintendent and the said School Commissioners. Polytechnic school of Montreal. Programme.

**45.** There shall be made each year, or as often as required a report to the Superintendent, by the principal of the Polytechnic School, or by any other person whom the Superintendent may appoint to make an examination for that purpose, shewing the progress of the pupils, the state of the collections, instruments, laboratory and library, and also upon all which concerns the studies in the said school, and also a report of the receipts and expenditure of the establishment and of every thing which concerns the statistics and the working of the said institution. Report on said school to Superintendent.

**46.** Each year there shall be appointed two or more competent persons as commissioners to examine the pupils in each course followed in the said school upon the various branches of science taught therein during the year ; these pupils shall be presented for examination by the principal. Examining commissioners named for said school.

These commissioners shall be appointed by the Lieutenant-Governor in Council, on the report of the "Commissioners of the Polytechnic School."

Report of these commissioners.

**47.** These Commissioners shall report upon the result of the examinations to the Superintendent and to the Catholic School Commissioners of the city of Montreal, and also, upon the classing of the pupils according to their ability and upon the improvements, changes or modifications which they may deem necessary to suggest in the teaching and the length of the courses of study.

Diplomas to be awarded to pupils.

**48.** In accordance with the report of the Commissioners, the Superintendent shall deliver to each pupil, having regularly followed a completed course of studies in the said Polytechnic School and having passed at the end of each school year a satisfactory examination before the said Commissioners, an engineer's diploma according to the branch of scientific knowledge which such pupil shall have applied himself to, either a diploma as civil engineer, mining engineer, mechanical engineer, or as industrial engineer; and the names shall be published in the *Quebec Official Gazette*, indicating the grade of the diploma obtained.

Names to be published.

Mention shall be made in the diploma, in accordance with the opinions of the Commissioners that the pupil has passed his examination in a satisfactory manner, or with distinction, or with great distinction, or lastly with the highest distinction.

Present pupils.

**49.** The pupils now at the school and having already passed one or two examinations at the end of the year before the principal and the professors of the institution, to obtain a diploma shall pass their future examinations only, before the Commissioners.

Appointment of professors.

**50.** The appointment of the principal professors and staff necessary to the carrying on of the school, shall be made by the Roman Catholic School Commissioners of the city of Montreal, and subject to the ratification of the Superintendent of Public Instruction.

Classes of diplomas defined:

Civil Engineer.

**51.** The terms employed in the present act to define the four classes of diplomas to be accorded by the Superintendent of Public Instruction to the pupils of the said Polytechnic School, shall be understood as follows:

1. The diploma of civil engineer shall be accorded to the pupil capable of conducting, directing and executing all works of art and of construction upon the surplus of the soil;

2. The diploma of mining engineer shall be accorded to

the pupil capable of conducting, directing and executing all works of discovering, extracting, and working of mines or minerals, and their transformation into useful metals ;

3. The diploma of mechanical engineer shall be accorded to the pupil capable of designing, numbering and constructing all engines and machines used in manufactures ;

4. The diploma of industrial engineer shall be accorded to the pupil capable of applying the physical and chemical science to production and manufactures.

52. The Lieutenant-Governor in Council may, on the recommendation of the Council of Public Instruction, or on the report of the Superintendent, make, adopt and promulgate rules and regulations for the holding, establishing, direction and maintenance of school exhibitions ; to appoint one or more Commissioners for that purpose, whose duty it shall be to obey the instructions to be given to them by the Lieutenant-Governor in Council ; and these rules and regulations shall be published in the *Quebec Official Gazette* and shall also be published by the Superintendent in the *Journal de l'Instruction Publique* and in the *Journal of Education*.

School Exhibitions.

Rules governing same.

Publication thereof.

53. The Schedules inserted in this Act form part thereof and are sufficient for all cases for which they are proposed ; any other form to the like effect may be equally employed.

54. Every act or part of an act or law contrary to the present act is repealed.

Acts repealed.

## APPENDIX.

### Forms.

#### No. 1. FORM IN CONNECTION WITH THE 34TH SECTION OF CHAP. 15 OF THE CONSOLIDATED STATUTES FOR LOWER CANADA.

Province of Quebec,      }  
Municipality of      }

Public Notice is hereby given that a meeting of the proprietors of real estate and resident householders of this Municipality, will be held on Monday the day of July eighteen hundred and at the hour of ten in the morning, at the church door of the said municipality (or at indicate the place) to proceed with the election of a Board of School Com-

missioners, or of one or more School Commissioners (*as the case may be*).

A. B.  
J. P.

or

C. D.,  
Secretary-Treasurer.

Given at this day of  
eighteen hundred and

*The notice should be read and posted up on the door of the church or place of public worship; if there is no church or place of public worship, it must be posted up in two of the most public places of the Municipality.*

No. 2.

Province of Quebec,      }  
Municipality of      }

Public notice is hereby given that on Monday the  
day of      eighteen hundred and  
a meeting of the proprietors, occupants, tenants or rate-payers of Dissentient Schools of the Municipality of      will be held, to proceed to the election of (*here mention the number to be elected*) Dissentient School Trustees; the said meeting shall be held at (*mention the place*) at the hour of ten in the morning.

A. B.,  
Chairman of the Dissentient School Trustees.  
C. D.,  
Secretary-Treasurer of the Dissentient School Trustees.

Given at the day of  
eighteen hundred and

No. 3 FORM OF ACT OF ELECTION OF COMMISSIONERS.

Province of Quebec,      }  
Municipality of      }

I, the undersigned, declare that at the public meeting of the proprietors of real estate and resident householders of the municipality of      held at the door of the church of the said municipality (*and mention the place*)

at the hour often in the morning, on Monday, the  
day of July eighteen hundred and

Messieurs (*insert the names and surnames*) were duly  
elected School Commissioners for the said municipality  
(or has been duly elected, *if there has been only one elected*).

A. B.,  
Presiding Officer.

Given at this day of  
eighteen hundred and

No. 4.—FORM OF ELECTION RETURN, TO BE TRANSMITTED TO THE SUPERINTENDENT.  
SECTION 44, C: 15, C. S. L. C.

Province of Quebec, }  
Municipality of }

To the Superintendent of Public Instruction.

Sir,

On Monday, the day of July eighteen  
hundred and , at a public meeting of the  
proprietors of real estate and resident householders of  
this municipality, duly convened by public notice, and  
held at the door of the church of the said municipality,  
(or mention the place) at the hour of ten in the morning,  
Messieurs (*insert the names and surnames, written very  
plainly*) were elected as School Commissioners for the  
said Municipality, conformably to law.

A. B.,  
Presiding Officer.

Given at this day of  
eighteen hundred and

No. 5.—FORM OF REPORT TO THE SUPERINTENDENT.

Province of Quebec, }  
Municipality of }

To the Superintendent of Public Instruction.

Sir,

On the day of eighteen hundred

and , at a public meeting of the proprietors, occupants, tenants and rate-payers of dissentient schools of this municipality, convened by public notice and held at (state the place) at the hour of ten in the morning, M or Messieurs (insert names and surnames) was or were elected Trustees of Dissentient Schools, according to law.

Given at this day of  
eighteen hundred and

C. D.,  
Presiding Officer.

No. 6.—FORM IN CONNECTION WITH SECTION 59, C. 15,  
C. S. L. C.

SPECIAL NOTICE.

Province of Quebec, }  
Municipality of }

To Mr.

A. B., School Commissioner,  
(and to those who have been elected.)

Sir (or Gentlemen,)

I hereby notify you that at a public meeting of the proprietors of real estate and resident householders of this municipality, held on the day of eighteen hundred and , you were elected a School Commissioner.

C. D  
Secretary-Treasurer.

Given at this

18

No. 7. FORM IN CONNECTION WITH SECTION 59. c. 15  
C. S. L. C.

## SPECIAL NOTICE.

Province of Quebec, }  
Municipality of }.

To

A. B., School Commissioner,  
 C. D., School Commissioner,  
 E. F., School Commissioner,  
 G. H., School Commissioner,  
 I. J., School Commissioner.

Gentlemen,

I hereby notify you to meet in session on the day of eighteen hundred and at the hour of in the noon, in my office (or state the place, to proceed to the election of a President and a Secretary-Treasurer, according to law.

M. O.,  
Secretary-Treasurer

Given at

this

18

## No. 8.—FORM OF PREAMBLE OR HEADING FOR THE MINUTES OF PROCEEDINGS OF SCHOOL COMMISSIONERS.

Province of Quebec, }  
Municipality of }

At a meeting of the School Commissioners of the Municipality of , in the county of , held at (mention the place) in this municipality, Thursday the day of the month of , eighteen hundred and , at the hour of in the -noon, at which meeting were present :

M.M.

all School Commissioners.

The chairman (or acting chairman in the absence of the chairman) in the chair. The secretary-treasurer being also present.

M. (his name) moves, seconded by M. (his name) that the monthly contribution to be paid to the secretary-treasurer during the eight school months for each child of age to attend school by all those obliged thereto, be ten cents per month.

Carried unanimously.

*If there is a division, the votes shall be taken by the chairman as follows :—*

Yees :— Messieurs

Nays :— Messieurs

*If the votes are equal, the chairman votes and then he declares the motion carried or not, as the case may be.*

*If there is an amendment, say :*

Mr. , seconded by Mr. , moves

in amendment that the rate of the monthly contribution be twelve in lieu of ten cents.

For the amendment :— Messieurs

Against the amendment :— Messieurs

*If the amendment is carried, the chairman declares the same carried, and an entry is made in the minute book.*

*If the amendment is lost, the chairman declares the same lost, and an entry is made in the minute book.*

*The minute book is signed at each meeting, by the chairman and the secretary-treasurer.*

A. B.,  
Chairman.

C. D.,  
Secretary-Treasurer.

No. 9.—FORM OF NOTICE OF A MEETING WHEN AN ADJOURNMENT HAS TAKEN PLACE, WITHOUT A DAY HAVING BEEN FIXED FOR THE FOLLOWING MEETING.

SPECIAL NOTICE.

Province of Quebec, }  
Municipality of }

To  
M. A. B., School-Commissioner.  
Sir,

A meeting of the School-Commissioners of this Municipality will be held at (*the place*) at the hour of in the noon, the day of the month of eighteen hundred and

C. D.,  
Secretary-Treasurer.

Given at this

Digitized by Google

No. 10.—FORM IN CONNECTION WITH SECTION 3.  
OF THIS ACT.Province of Quebec, }  
Municipality of }To the Superintendent,  
Sir,

I have the honor to inform you that at a meeting of the School-Commissioners held on the day of the month of 18 I was instructed to send you a requisition for the following articles required for the use of the schools in this municipality.

6 doz. A. B. C.

6 " Mr. Montpetit's readers, (say the series).

6 " slates.

6 " slate pencils.

6 " lead pencils.

(Mention the articles)

C. D.,

Secretary-Treasurer.

Given at

this

18

## No. 11.—FORM OF SECURITY OF THE SECRETARY-TREASURER. SECTION 60. c. 15. C. S. L. C.

Province of Quebec, }  
Municipality of }

Whereas I, A. B., have been appointed secretary-treasurer of the School-Commissioners for the Municipality of , in the county of , and whereas in conformity with the laws concerning Public Instruction we C. D. (*quality and domicile*) and E. F. (*quality and domicile*) have been approved and accepted by G. H., the chairman of the said School Commissioners as sureties of the said A. B., for the total amount which the said G. B. is and shall be at any time whatever responsible for, arising as well from the local school funds, or contributions and special donation, paid into his hands for the support of schools, as of the general funds of the schools, and for all sums of money which he may have in his hands belonging to the said School-Commissioners, and for the due execution of his duties as secretary-treasurer.

Know by these presents that we the said A. B. C. D, and E. F, acknowledge ourselves to be jointly and severally obliged to pay and to reimburse the School-Commission-

ers of the municipality of , in the county of , all sums of money which the said A. B. by himself or by any person for whom he is responsible may in the exercise of his office become responsible for towards the School-Commissioners of the municipality of in the county of or towards any other person for them, in principal, interest, costs, penalties or damages if any.

The condition of this bond is that if the said A. B. shall well and faithfully at all times perform the duties and functions of the office of secretary-treasurer, to which he has been appointed, and accounts for, pays over or remits to the said School Commissioners of the municipality of , in the county of , or to any person indicated by them, all sums of money for which he himself or any person for whom he is responsible, shall become responsible, during his tenure of office, towards the said School Commissioners of the municipality of in the county of in principal, interest, costs, penalties or damages, then this bond shall be null, otherwise it shall remain in full force and effect.

Made and passed in triplicate at the  
day of the month of , eighteen  
hundred and

Witnesses	} G. H.	A. B.,
<i>(Signatures of the witnesses).</i>	} G. H.	C. D.,
		E. F.

**No. 12. FORM IN CONNECTION WITH SECTION 64. SUB-SECTION 4, chap. 15, C. S. L. C.**

Province of Quebec, }  
Municipality of }

**SPECIAL NOTICE.**

To Mr. of the parish of  
Sir,

I hereby give you notice that at a meeting of the School-Commissioners of this municipality, held on the day of the month of eighteen hundred and , you were named (permanently or temporarily, or for what time, must be stated,) one of the managers to assist them in the administration of the school-houses, and in the building, repairing, heating and cleaning the same, and also to keep the furniture belonging to the schools in order.

A. B.  
Secretary-Treasurer

**NO. 13. FORM IN CONNECTION WITH SECTION 79,  
ch. 15, C. S. L. C.**

Province of Quebec, }  
Municipality of }

## SPECIAL NOTICE.

To the secretary-treasurer of the municipal council of the  
municipality of the parish of  
(or township of)

Sir,

I hereby require you to forward and deliver to me, within ten days from this date, for the use of the School-Commissioners of the municipality of Montgomery, situated in the limits of the parish of Montgomery.

... situated in the limits of the parish of ...  
a certified copy, according to law, of the valuation roll of the property situate within the limits of the municipality.

A. B.,  
Secretary-Treasurer.

(Place) (Date.)

**No. 14.—FORM IN CONNECTION WITH SECTION 84, chap.  
15, C. S. L. C. AND SECTION 18 OF THIS ACT.**

Province of Quebec, }  
Municipality of }

## PUBLIC NOTICE

the undersigned, at his office, within the twenty days following the said delay of thirty days, without further notice.

Given at this day of the month  
of eighteen hundred and

A. B.;  
Secretary-Treasurer.



No. 17.—WARRANT OF DISTRESS FOR ARREARS  
OF ASSESSMENT.Province of Quebec, }  
Municipality of . }

The School-Commissioners for the Municipality of the parish (township, &amp;c., as the case may be) in the county of

To any bailiff of the Superior Court, acting in and for the district of

Whereas A. B. (*name and description of the debtor*) has been required by the secretary-treasurer of the School-Commissioners for the municipality of , in the county of , to pay into his hands, to and for the use of the said School-Commissioners the sum of being the amount due by him to the said School-Commissioners, as appears by the assessment and collection roll of the said municipality for the year 18 ; and whereas the said A. B. hath neglected and refused to pay to the said secretary-treasurer within the delay required by law the said sum of with the costs of notice and service amounting to : these are therefore to command you to seize without delay, the goods and chattels of the said A. B., which may be found within the limits of the said Municipality ; if within the space of eight days after such seizure, the above mentioned sums, with the reasonable expenses of the said seizures, be not paid, then you shall sell according to law the said goods and chattels so by you held, and you shall pay over the moneys arising from such sale to the secretary-treasurer of the said School-Commissioners, so that he may apply the same as by law directed, and return the surplus if any, when demanded, to the said A. B., or to whom it may concern ; and if such seizure cannot be effected, in default of goods liable to seizure, you shall then certify the same to me so that such proceedings may be had as to law shall appertain.

Given under my hand and the seal of the said corporation of School-Commissioners this , day of the month of in the year of Our Lord one thousand eight hundred and at in the aforesaid district. } X. Y. Chairman of the School Commissioners.

**NO. 18.—NOTICE OF THE DAY AND PLACE OF SALE OF  
GOODS AND EFFECTS SEIZED FOR ASSESSMENTS.**

Public notice is hereby given that on the day of the month of instant (or next) at the hour of in the -noon at (here designate the place) the good and chattels of A. B., (name of the person) now under seizure in default of payment of assessments due to the said School-Commissioners, will be sold at public auction at (here name the place), the day of 18 .

Given under my hand at (p'ace) in the district  
of this day of , 18 .  
: C. D.,  
Bailiff or Constable.

C. D.,  
Bailiff or Constable.

No. 19.—FORM OF ENGAGEMENT OF A TEACHER.

Province of Quebec, }  
Municipality of }

C. D., (*his residence*) as follows : .  
The said C. D., has engaged and engages himself and his services as teacher to the said School-Commissioners (*or* Trustees) for the space and term of . year from the day of the month of eighteen hundred and to teach the (elementary *or* model School *or* Academy) in School district No. of the said municipality, according to law, and the rules and regulations of the Council of Public Instruction and of the Committees concerned, and the Rules and regulations established by the School-Commissioners (*or* Trustees) of the said municipality ; and during the time of his engagement the said teacher obliges himself to fulfil the following charges and conditions, that is to say : watch over the conduct of the children attending the school as well in class as out of it and as long as they are under his view ; teach the subjects required by law and the established regulations, and to use only such class-

books and readers as are authorized by the Council of Public Instruction and the Committees thereof; fill up the blanks, papers and documents submitted to him by the School-Commissioners (or Trustees), and Inspectors;) keep a school register in which shall be entered the names of the visitors to the school and their remarks, and also the books, registers or copy-books for pupils; to preserve the pupils' school copy-books in the chest or cupboard intended for that purpose; never to use the class rooms for any other purpose than teaching, without a special permission from the chairman of the Commissioners (or Trustees); to receive in the class rooms during school hours such persons as have a right to visit the school and no others; observe the rules of strict discipline in and during school hours, but not to use corporal punishment except with great discretion and in extreme cases only; always to keep himself properly clothed, and on this point to set a good example of cleanliness and propriety; to receive the parents of the pupils and all visitors with respect and politeness; carefully to keep the *Journal of Education* (or *Journal de l'Instruction Publique* (as the case may be) in the archives of the school and to keep the school-house in good order; in a word to fulfil all the duties of a good teacher.

This engagement is entered into for and in consideration of the price and sum of                    dollars, for the school year, which the said School-Commissioners (or Trustees) bind themselves to pay to the said

teacher, in the following manner, that is to say :  
(mention the terms of payment) which sum the said Commissioners (or Trustees) oblige and bind themselves to pay to the said master, in lawful current money and not otherwise, wishing and intending that neither the secretary-treasurer nor any other person for them, shall make any bargain with the said teacher as to the mode of payment of his salary; but that the salary shall be paid him in money and at the dates agreed upon; the said Commissioners (or Trustees) hereby submitting to the provisions of law which substitute the Superintendent of Public Instruction for the said teacher, in any suit for the recovery of the said salary or part thereof, in default of payment of said salary to the teacher in whole or in part.

A copy of this engagement or a duplicate thereof, is transmitted to the Superintendent, by consent of the parties.

In default of any other engagement for next year, the present engagement shall continue to be in force between the parties for next year, and until it shall have been regularly cancelled.

And the parties have signed, the same having been first duly read.

Given at this day of the month of in the year one thousand eight hundred and C. D.

Chairman of the School-Commissioners (or Trustees.)

E. F.  
Teacher.

## C A P. X X I I .

An act to amend the law respecting public instruction, in so far as respects the city of Sherbrooke.

[Assented to 28<sup>th</sup> December, 1876.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. Hereafter there shall be in the city of Sherbrooke two boards of commissioners, and each of such boards shall be composed of five commissioners, and shall be under its own name a body politic and corporate, with all the powers and privileges of corporations.

2. One of such boards shall be "The board of roman catholic school commissioners of the city of Sherbrooke," and the members thereof shall be roman catholics: The other shall be "The board of protestant school-commissioners of the city of Sherbrooke," and the members thereof shall be protestants.

3. The members of each of such boards shall be elected by proprietors resident in the city and possessors of real estate of value sufficient to entitle them to vote at municipal elections in the city.

4. The members of the roman catholic board shall be elected by roman catholic proprietors; and those of the protestant board by protestant proprietors.

5. The first election of all the commissioners shall be held on the second monday of march next; and the subsequent elections shall be held like those of the other commissioners under the general law.

6. The present commissioners shall remain in office until the election of commissioners in virtue of the preceding section.

Application of general law.

**7.** All provisions of law respecting school-commissioners and schools in general, shall apply also to each of such boards and to the members thereof, save in so far as the same be inconsistent with this act.

Division of present property.

**8.** Any property constituting the assets of the present school-commissioners, shall be valued by the city valuators.

The moneys and movables shall be divided by such valuators in equal shares between the board of the roman catholic commissioners and the board of the protestant commissioners.

Each of the immovables shall belong to that board of commissioners which shall offer the highest price therefor; provided that the first bid be the value set upon the same by the valuators.

Certificate of adjudication and effect thereof.

**9.** Every adjudication of real estate made in virtue of the preceding section, shall be established by a certificate in duplicate, made and signed by the secretary-treasurers of the two boards of commissioners; and every certificate so made shall be an authentic title transferring the property in the real estate therein specified.

One of the duplicates of each such certificate shall be filed in the archives of each of the two boards of commissioners.

A copy of each such certificate, certified by the two secretary-treasurers, may be enregistered in the office of the proper registration division, with the same effect as if it were a deed of sale in the usual form.

Division of government grant.

**10.** The annual grant of the government of this province for the support of schools in the city of Sherbrooke, shall be divided between the board of roman catholic school commissioners and the board of protestant school-commissioners, according to the relative proportion of the roman catholic and protestant population of such city, and according to the then last census.

Tax established or altered by Boards.

**11.** The two boards of commissioners may from time to time meet together and agree with respect to the establishing or altering the amount of the tax to be levied on the taxable real estate of the city for such purposes; provided that such tax be not in any case less than two mills or more than four mills in the dollar.

Notice to be given to Sec.-Treas. of City.

**12.** The boards of commissioners shall be bound to inform the secretary-treasurer of the city of Sherbrooke, on or before the first day of april in each year, of the amount of tax required for school purposes, for the following year. In the absence of notice to such effect, the two boards of

commissioners shall be deemed as not having been able to come to an understanding.

If the two boards are unable to agree with respect to the establishment of such amount, before the first of April in each year, the tax to be levied shall be three mills in the dollar, for the year beginning on the first of July following.

**13.** The city council at the first session thereof, after the first of May in each year, shall, by resolution, declare the tax to be levied for the current year, and such tax shall then become due.

**14.** It shall be the duty of the council of the city of Sherbrooke, to cause to be levied by its secretary-treasurer, out of the taxable real estate of the municipality, the tax which shall have been determined by the two boards of commissioners, or that of three mills in the dollar, if such boards have not been able to come to an understanding.

**15.** Such tax shall be known as "the city school tax." *Idem.* It may be levied and recovered at the same time as the other taxes of the city, and shall further, for the purpose of the collection thereof, be deemed to be a municipal tax of the city; provided always that corporations and companies, which may have been or which shall be exempted from municipal taxes by by-law of the city council, shall nevertheless be liable for the school tax.

**16.** Real estate belonging to religious, charitable, or educational institutions or corporations, and occupied by them for the objects for which they were established and not solely possessed for the purpose of deriving a revenue therefrom, shall be exempt from the city school tax.

**17.** The city school tax shall be payable by proprietors of real estate, to the exclusion of tenants.

The tenant shall not be bound to reimburse the proprietor for the amount thereof unless it has been expressly stipulated.

Such tax shall not be considered as included under the name of "municipal taxes," or "city taxes," or "corporation taxes," or under the words "all taxes," in any lease passed after the coming into force of this act; but it must be expressly mentioned under the name of "the city school tax."

The usufructuary or occupant, under an emphyteutic lease shall be deemed to be the proprietor, as shall also the occupant when the proprietor is unknown.

Statement of real estate. **18.** The city council shall cause to be drawn up by the valuators, between the first day of April and the first day of June, in each year, a statement of the real estate in the municipality.

Valuators for that purpose. The valuators of the city, for the purpose of this act shall be in equal number, Roman Catholics and Protestants; one Roman Catholic and one Protestant to act as such in each ward. The appointments required therefor are hereby authorized.

Their expenses. The sums paid for the salaries of the valuators and their expenses incurred in drawing up and publishing each statement, shall be deducted from the amount to be paid by the city to the boards of school-commissioners.

Contents of statement. **19.** Such statement shall show opposite the description of each lot or property the amount of the valuation thereof, the name of the owner and the sum to be levied on such lot or property for the city school tax for the year.

The amount of the valuation and the name of the owner shall be the same as stated on the valuation roll in force in the city for municipal purposes.

Statements to be divided into 4 panels. **20.** Such statement shall be divided into four distinct panels.

Panel No. 1. Panel number one shall comprise the taxable real estate belonging exclusively to Roman Catholics.

Panel No. 2. Panel number two shall comprise the taxable real estate belonging exclusively to Protestants.

Panel No. 3. Panel number three shall comprise the taxable real estate belonging:

1. To corporations or incorporated companies subject to taxation under this act;

2. To persons professing neither the Roman Catholic nor Protestant religion, or whose religion is unknown;

3. To persons who have stated their wish in writing that their property shall be entered in such panel;

4. To commercial firms or partnerships who have not declared by their agent or by one of their members, their intention of having their property entered on the first or second panel;

5. Lastly property belonging partially or jointly to persons, some of whom profess the Roman Catholic and others the Protestant faith.

Panel No. 4. Panel number four shall comprise all real estate exempt from taxation, which shall be the same as that mentioned in section 41 of the act of this province 39 Vict., ch. 50.

Entry of taxable properties belonging to religious bodies. **21.** Properties possessed for revenue purposes by religious, charitable or educational institutions or corporations, shall be entered on panel number one or panel number two according to the religious denomination to

which such institutions or corporations belong, or according to the declarations made by them to that end.

If the religious denomination is not known, and if no such declaration is made, these properties shall be entered on panel number three.

**22.** Every person belonging to the jewish faith and Jews, possessing real estate in the city of Sherbrooke, shall be entitled upon written application to that end, to have such real estate entered, as he may think proper, on panel number one or on panel number two.

**23.** Upon such statement being completed, it shall be deposited in the office of the secretary-treasurer of the city, and notice of such deposit shall be forthwith given in at least one french newspaper and one english newspaper, published in the city.

During the thirty days next after the publication of this notice, it shall be lawful for any person to examine the panels included in the statement.

**24.** During such delay of thirty days, either board of school-commissioners, or any person whose name shall to be made to have been erroneously entered on any of such panels, the city, or omitted therefrom, or who shall observe that the name of any other person has been entered by error on any of such panels or omitted therefrom, may make any complaint which he shall deem himself entitled to make on this subject, to the secretary-treasurer of the city, who shall amend and correct the panels in consequence of such complaint, if it appear to him necessary.

Within thirty days, the decision of the secretary-treasurer may be appealed from to the district magistrate.

**25.** At the expiration of the delay of thirty days, the Panels in panels as they then are, shall avail for all school purposes in the city, for the then current year.

**26.** Nevertheless it shall be lawful for either board of commissioners catholic or protestant, or for any other person, after the expiration of such delay, but at least thirty days before the second payment, which the city corporation is bound to make after the completion of such panels, to lay before the secretary-treasurer of the city any complaint which they may have in relation to such panels.

Notice of such complaint shall be given three days beforehand at the office of the commissioners, the share of which may be diminished by the decision of the secretary-treasurer, or of the district magistrate in case of appeal, who shall have the powers mentioned in section 24 of this act.

Error rectified. If the panels are amended, the mistake shall be rectified in the following payment, for the two payments.

Accounts and receipts for taxes. **27.** All accounts delivered to tax-payers, and all receipts given them, for the school tax, shall contain clearly and distinctly the words "panel number one, roman catholic school tax," or "panel number two, protestant school tax," or "panel number three, neutral school tax," as the case may be.

Division of tax between two boards. **28.** The sum arising from the tax for school purposes shall be divided as follows:

1. An amount proportionate to the value of the property entered in panel number three, shall be divided between the board of roman catholic school-commissioners, and the board of protestant school commissioners, in the relative proportion of the roman catholic and protestant population of the city, according to the then last census;

2. The balance of such sum shall be divided between the roman catholic and protestant boards, in the relative proportion of the value of the property entered in panels number one and number two respectively.

Payments falling due. **29.** Such sum shall be paid by the corporation of the city of Sherbrooke to the secretary-treasurer of each board of commissioners, in two equal and semi-annual payments, which shall fall due on the first day of january and july in each year.

Recovery in law. **30.** Each of such two payments shall be exigible from the corporation when the same falls due, although the city school tax, to raise the amount thereof, has not been collected, and may be recovered with interest and costs, before any competent court, by the board of school-commissioners entitled thereto.

Accounts to be rendered to the city. **31.** Every year each of the two boards shall be bound to deliver to the council a detailed account of the sums it shall have expended out of the moneys paid by the city corporation.

Monthly rate. **32.** It shall be lawful for either board of commissioners to exact from the parents, tutors or guardians of children attending their schools or academies, except from those exempt through poverty, the payment of a monthly fee or rate, the amount whereof it shall have established from time to time by by-law approved by the superintendent of public instruction.

**33.** The report of the commissioners shall specify the Report there- number of children receiving gratuitous instruction, and on number of those who pay such amount of fees.

**34.** The monthly school fees may be recovered from Recovery of parents, tutors or guardians by suit before any com- monthly fees petent court. by suit.

Nevertheless no suit shall be brought for more than one Prescription. year's arrears, or for any sum due for more than one year.

**35.** Either board of commissioners may take from the Prizes to funds at its disposal such sum as it shall deem advisable pupils. and expend it in prizes for the various schools under its control.

**36.** The board of Protestant school commissioners is authorized to acquire the building of the academy now erected in the city of Sherbrooke, together with land, by entering into an agreement with the persons who subscribed for its erection.

**37.** This act shall come into force on the day of its <sup>Act in force.</sup> sanction.

#### C A P. X X I V.

An act to amend the act of this province, 39 Vict., cap. 33, intituled: "An act to amend and consolidate the various acts respecting the notarial profession in this province."

[Assented to 28th December, 1876.]

**H**ER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

**1.** Section 13 of the act of this province 39 Vict., cap. 33, is amended, by adding at the end thereof the words <sup>§. 13, amend-  
ed.</sup> following: "and every such notary is subject of disciplinary penalties."

**2.** Section 85 of the same act is amended by inserting <sup>Sec. 85,  
amended.</sup> after the word "ballot" in the eleventh line, the words following: "such meeting shall be composed of at least <sup>Meeting.</sup> five notaries qualified to vote thereat."

**3.** All deeds executed or which shall be executed by <sup>Deeds execut-  
ed by non-  
notaries, whose names were not, are not or shall not be, inscribed no-</sup> entered upon the list of practising notaries, shall be <sup>Deeds by be  
taries, decla-  
red valid.</sup>

deemed to be valid; all provisions to the contrary notwithstanding contained in sections 13, 156, and 177 of the said act; provided nothing contained in the present section shall have effect to render valid any deed executed by notaries disqualified in virtue of sections 9 and 10 of the said act.

Board of notaries.

Ineligibility of certain notaries.

Sec. 15, amended.  
Registrars.

**4.** Notaries considered not to be practising, or who shall have accepted any of the offices specified in sections 9 and 10 of the act 39 Vict., ch. 33, shall not sit at any meeting of the board of notaries. Such board, if any one of the members thereof become incapable of sitting therein, shall at its next meeting, select another notary, from among the notaries of the same district, to fill the vacancy.

**5.** Section 15 of the said act is amended by adding at the end thereof, the words: "save and except the registrars appointed before the first of January, eighteen hundred and seventy-four, who continue to exercise their profession at the same time as they exercise the office of registrars."

Sec. 23, amended.

Interpretation.  
Act in force.

**6.** The words "to third parties or even," in the 5th line of section 28 of the said act, shall be struck out.

**7.** This act shall form part of the act of this province, 39 Vict., ch. 33, and shall come into force on the day of the sanction thereof.

## C A P. X X V.

An act to amend chapter 77 of the consolidated statutes of Canada, respecting land surveyors and the survey of lands.

[Assented to 28th December, 1876.]

**H**ER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

C. S. C. c. 77, s. 17, amended.

**1.** Section 17 of the chapter 77 of the consolidated statutes of Canada, is amended:

1. By striking out the following words: "after having passed the preliminary examination hereinbefore required for admission to apprenticeship with a land surveyor;"

2. By adding after the words "civil engineer and land surveyor," in the thirteenth line, the following words: "and has also passed, during the first or second year of his university or Montreal polytechnic school course or previously, the preliminary examination required by the law."

2. The privilege of a shortened term of apprenticeship shall also be accorded to any person holding a commission in the royal navy or corps of royal engineers, or in the french marine, or *corps des ingénieurs des ponts et chaussées*, or *ingénieurs militaires* of France. Privilege of shortened term of apprenticeship extended.

Such person shall only be holden to serve under articles with a land surveyor during twelve months of actual practice, and may then, on sufficient documentary evidence of these facts being furnished to the board, undergo the examination required by law to admit them to practice as provincial land surveyors.

3. The privileges granted by the preceding section Limited to 5 years. shall be limited to a period of five years from the passing of this act.

## C A P . X X V I .

An act to amend and consolidate the acts relating to the profession of medicine and surgery in the province of Quebec.

[Assented to 28th December, 1876.]

WHEREAS the laws now in force in the province of Quebec, for regulating the qualifications and examination of candidates for the study of medicine, surgery and midwifery, for the registration of medical practitioners, and for the infliction of penalties upon persons infringing the provisions of the Medical Act, respecting the practice of medicine, surgery and midwifery, require amendment; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. From and after the passing of this act, the act or *Acts repealed.* ordinance of the legislative council of the late province of Quebec, passed in the twenty-eighth year of the reign of His late Majesty King George the third, and intituled: *An act or ordinance to prevent persons practicing physic and surgery within the province of Quebec, or midwifery within the towns of Quebec and Montreal, without licence*, and all other acts or part of acts in any manner relating to the practice of medicine, surgery or midwifery in the province of Quebec, or in any manner relating to the mode of obtaining licenses to practice medicine, surgery or midwifery therein, shall be and are hereby repealed, *Proviso.* except in so far as relates to any offence committed against the same or any of them before the passing of this act, or any penalty or forfeiture incurred by reason of such offence.

Corporation  
of the college  
of Physicians  
and Sur-  
geons.

Corporate  
name.

General  
powers.

Limit of real  
estate.

Name of  
members.

Board of  
governors.

Quebec ;  
Montreal ;  
Three Rivers ;  
St. Francis.

Residences.

Delegates  
from Univer-  
sities, etc.

2. All persons resident in the province of Quebec and licensed to practice medicine, surgery or midwifery therein, at the time of the passing of the present act, and all persons who may hereafter obtain a licence to practice medicine, surgery and midwifery in this province, shall be and are hereby constituted a body politic and corporate by the name of *The college of physicians and surgeons of the province of Quebec*; and shall by that name have perpetual succession and a common seal, with power to change, alter, break or make new the same; and they and their successors by the name aforesaid may sue and be sued, implead and be impleaded, answer and be answered unto in all courts and places whatsoever, and by the name aforesaid shall be able and capable in law to have, hold, receive, enjoy, possess and retain for the ends and purposes of this act and for the benefit of the said college, all such sums of money as have been or shall at any time hereafter be paid, given or bequeathed to and for the use of the said college; and by the name aforesaid shall and may at any time hereafter, without any letters of mortmain, purchase, take, receive, have, hold, possess and enjoy any lands, tenements or hereditaments or any estate or interest derived or arising out of any lands, tenements or hereditaments, for the purposes of the said college and for no other purposes whatever; and may sell, grant, lease, demise, alienate or dispose of the same, and do or execute all and singular the matters and things that to them shall or may appertain to do; provided always that the real estate so held by the said corporation shall at no time exceed in value the sum of twenty thousand dollars.

3. From and after the passing of this act, the persons who compose the college of physicians and surgeons shall be styled "Members of the college of physicians and surgeons of the province of Quebec."

4. The affairs of the said college shall be conducted by a board of governors, forty in number, and elected for three years; fifteen of whom shall be elected from among the members of the college, resident in the district of Quebec; nineteen from among its members resident in the district of Montreal; three from among its members resident in the district of Three Rivers; and three from among its members resident in the district of St. Francis; and of the said board of governors neither more nor less than eight shall be resident in the city of Quebec; and neither more nor less than eight in the city of Montreal; provided always that not less than two members out of the city members shall be delegates from each of

the Universities, Colleges and incorporated medical schools now existing in the province of Quebec, to wit: the University of Laval, the University of McGill, the University of Bishop's College, and the incorporated schools of medicine and surgery of Montreal affiliated with the University of Victoria College or with any other British University; and at each election of the board of governors, every member of the said corporation shall have <sup>vote by</sup> proxy.

2. Of the aforesaid districts, the district of Quebec shall comprise the present judicial districts of Quebec, Gaspé, Saguenay, Chicoutimi, Rimouski, Montmagny, Beauce, and Kamouraska; the district of Montreal, shall comprise the present judicial districts of Montreal, Terrebonne, Joliette, Richelieu, Bedford, St. Hyacinthe, Iberville, Beauharnois and Ottawa; the district of Three Rivers shall comprise the present judicial districts of Three Rivers and Arthabaska; and the district of St. Francis shall consist of the present judicial district of St. Francis;

3. The members of the Board of Governors shall be elected for a period of three years, but any member may resign his appointment at any time by letter addressed to the secretary of the said board, and upon the death or resignation of any member of the said board, it shall be the duty of the secretary forthwith to notify the university or body wherein such vacancy may occur, of such death, resignation or removal, and such university or body shall have the power to nominate another duly qualified person to fill such vacancy; or if the vacancy be caused by the death, resignation or removal from the electoral city or district, of any member elected from the electoral cities or districts, the Board of Governors shall fill up such vacancy from amongst the eligible members of the college in the city or district where such vacancy shall have occurred, by an election by ballot, at the next ensuing meeting subsequent to the occurrence of such vacancy; and it shall be lawful for the Board of Governors to exercise during such vacancy the powers of the board hereinafter mentioned.

5. The said board of governors shall be, and are here-  
by constituted "The provincial medical board," in board, which capacity they shall meet to perform the several Number of duties devolving upon them under this act, as the board meetings.  
of governors of the college, not less than twice in each year, at such time and place as by them shall be deemed most fit; and on which occasions, seven shall be a quo- Quorum.  
rum for the transaction of business.

6. From and after the passing of this act, no person shall practice medicine, or surgery, or midwifery, in the quired from

practicing physicians.

province of Quebec, unless he shall have obtained a license from the provincial medical board who are hereby authorized to issue such license.

Degrees giving right to practising license.

7. Every person who has obtained or may hereafter obtain a medical degree or diploma in any university or college mentioned in section 4 of this act, shall be entitled to such license without examination as to his qualifications; provided always that the provincial medical board shall have the power and option of extending the same privilege to the holders of medical degrees and diplomas of other British or Colonial Universities and Colleges.

Certificate for the study of medicine.

8. From and after the passing of this act, no person shall be admitted as a student of medicine, surgery or midwifery, unless he shall have obtained a certificate of qualification from the Provincial Medical Board.

Examination required.

And no one shall be entitled to the license of the college on presentation of a diploma unless he has been previously admitted to the study of medicine in accordance with the provisions of this act, or unless he has passed an equivalent preliminary examination before an authorized college or licensing board in Her Majesty's Dominions, acceptable to the board created by this act.

Appointment of 4 examiners, for admission to study.

9. At the first regular meeting of said board after the passing of this act, there shall be appointed by the provincial medical board for three years (subject to the continued approval of the board) four persons actually engaged in the work of general education in the province of Quebec, to examine all persons about to begin the study of medicine, surgery and midwifery, on the subjects of general education hereinafter mentioned as belonging to the preliminary qualification of medical students, viz: one examiner skilled in the french language, and one skilled in the english language for the city of Montreal, and one skilled in the french language and one skilled in the english language for the City of Quebec. The subjects of the preliminary qualification to be english and french, latin, geography, history, arithmetic, algebra, geometry, *belles lettres*, and any one of the following subjects: greek, natural and moral philosophy; and the candidate to present a certificate of good moral character; provided that all medical students who before the passing of this act shall have passed their preliminary examination before the examiner or examiners of any university, or incorporated school, or provincial medical board, shall not be required to pass before the examiners mentioned in this section.

Subjects for preliminary examination.

Actual students.

Examination required from those who

10. Every person wishing to obtain a license to practice medicine, surgery and midwifery in this province,

and to be registered under this act, and who shall not have obtained a degree or diploma in medicine, surgery and midwifery from any of the institutions mentioned in clause 4 of this act, shall, before being entitled to such practice, have <sup>the uni-</sup>versity certificate, &c., for admission to practice.

license and to registration in this province, pass an examination as to his knowledge and skill for the efficient practice of medicine, surgery and midwifery before this board; and upon passing the examination required, and proving to the satisfaction of the examiners that he has complied with the rules and regulations made by the provincial board, and on payment of such fees as the board may by general by-law establish, such person shall be entitled to a license to practice medicine, surgery and midwifery in the province of Quebec.

**11.** The said board of governors of the college of physicians and surgeons shall have power:

1. To regulate the study of medicine, surgery and midwifery by making rules with regard to the preliminary qualification, duration of study, curriculum to be followed, and the age of the candidate applying for a license to practice; provided always that such rules shall not be contrary to the provisions of this act;

2. To examine all credentials purporting to entitle the bearer to a license to practice, and all degrees or qualifications sought to be registered in this province, and to oblige the bearer of such credentials, degrees or qualifications to attest on oath, (to be administered by the chairman for the time being,) that he is the person whose name is mentioned therein, and that he became possessed thereof legally;

3. To cause every member of the profession now practicing, or who may hereafter practice in the province of Quebec, to enregister his name, age, place of residence, nativity, the date of his license and the place where he obtained it, in the books of the college;

4. To fix the period of probation which persons must undergo before being eligible for election as governors of the college, which period shall not be less than four years, and to make all such rules and regulations for the government and proper working of the said corporation and the election of a president and officers thereof, as to the board of governors may seem meet and expedient, which said rules and regulations shall, before they shall come into effect, be sanctioned by the lieutenant-governor in council of this province after the same shall have been submitted to him for approval and by him allowed.

**12.** The "provincial medical board;"

1. Shall from time to time, as occasion may require, make rules and regulations for the guidance of the "examiners," and may prescribe the subjects and mode

Powers of  
board of  
governors.  
Studies, &c.

Proviso.

Examinations  
of credentials,  
degrees, &c.

Registration  
of names  
of practicing  
physicians.

General  
government.  
Election of  
officers.

Approval of  
lieutenant-  
governor  
required.

Examina-  
tions.

of the examinations, the time and place of holding the same, and generally may make all such rules and regulations in respect to such examinations not contrary to the provisions of this act, as they may deem expedient and necessary;

Studies.

2. It shall regulate the study of medicine, surgery and midwifery by making rules with regard to the preliminary qualifications, duration of study, curriculum of studies to be followed by the students;

Proviso.

Provided always that such rules shall not be contrary to the provisions of this act, and that any change in the curriculum of studies fixed by the board shall not come into effect until one year after such change is made;

Tariff of  
physicians.

3. It shall have power to make tariffs of rates to be charged in towns and country for medical, obstetrical or surgical advice, or for attendance—or for the performance of any operation, or for any medicines which shall have been prescribed or supplied;

Assessors to  
assist at  
university  
examina-  
tions, &c.

4. It shall appoint assessors either out of its own body or from among the registered members of the college, to visit and attend the medical examinations of the various universities, colleges and incorporated schools of the province, and to report to the provincial board upon the character of such examinations; but such assessors shall not be chosen out of any one of the teachers in any one of the said universities or incorporated schools, and should such report be at any time unfavorable to any university, college or incorporated school, the provincial board shall in such case and under such circumstances have the power to refuse the registration of the degree or diploma of the institution so reported upon, until such examination shall have been amended. For such purpose the provincial board shall appoint or elect assessors, two or more of whom shall attend the examinations at each university, college or incorporated medical school;

Their report.

5. It shall be the duty of the above institutions to notify the provincial board of the time or times at which their examinations shall be held, at least one month previous to such examinations.

Notice of  
examinations.

13. The provincial medical board shall have the power to fix by by-law the salary or fees to be paid to the officers, to the examiners and to the assessors appointed by the said board; as well, also, the fees to be paid by all candidates entering on the study of medicine, as also by all candidates for the license to practice medicine, surgery and midwifery, as well as the fee to be paid for registration; and the said board may dispose of all fees received in whatever manner they may think most conducive to the interests of the college.

Fees how  
disposed of.

14. The qualifications to be required from a candidate for examination to obtain a license to practice, shall consist in his not being less than twenty-one years of age; that he has followed his studies uninterruptedly during a period of not less than four years, commencing from the date of his admission to the study of medicine by this board, and that during the said four years he shall have attended at some university, collège or incorporated school of medicine within Her Majesty's dominions, not less than two six months' courses of general or descriptive anatomy,—of practical anatomy—of surgery—of practice of medicine—of midwifery—of chemistry—of *materia medica* and general therapeutics—of the institutes of medicine or physiology and general pathology, of clinical medicine and of clinical surgery, — one six months' course or two three months' courses of medical jurisprudence,—and one three months' course of botany,—one three months' course of hygiene, and a course of not less than twenty-five demonstrations upon microscopic anatomy, physiology and pathology; also, that he shall have attended the general practice of an hospital in which are contained not less than fifty beds, under the charge of not less than two physicians or surgeons, for a period of not less than one year and a half, or three periods of not less than six months each; and that he shall also have attended six cases of labour, and compounded medicine for six months; and to remove all doubts with regard to the number of lectures which the incorporated schools of medicine of the province of Quebec are bound to give, it is enacted and declared, that each six months' course shall consist of one hundred and twenty lectures, except in the case of clinical medicine, clinical surgery and medical jurisprudence. Of the four years study required by this act, three six months' sessions at least shall be passed in attendance upon lectures at a university, college or incorporated school of medicine recognized by this board; the first whereof shall be so passed the year immediately succeeding the preliminary examinations.

15. All persons obtaining the license to practice from the college of physicians and surgeons of the province of Quebec, shall be styled members of the said college, but shall not be eligible as governors within a period of four years from the date of their admission as members; and the said election of governors, shall be made, under such rules and regulations therefor, and in such manner as the said board of governors shall ordain.

The members of the college shall pay the sum of two dollars a year for the use of the college.

16. The provincial medical board shall have the

Yearly subscription.

Admission of

women to practice midwifery.

Register and registration of practicing physicians.

Examination of register.

Registrar ; his duties.

If convicted of felony.

Registration of actual physicians.

Delay.

Disqualification of non-

power to make rules and regulations respecting the admission of females to the practice of midwifery in this province.

**17.** The provincial medical board shall cause to be kept by the registrar, a book or register, to be called the Register, in which shall be entered, from time to time, the names of all persons who have complied with the enactments hereinafter contained, and with the rules or regulations made or to be made by the provincial medical board respecting the qualifications to be required from practitioners of medicine, surgery, and midwifery, in the province of Quebec ; and those persons only whose names have been or shall hereafter be inscribed in the register above mentioned, shall be deemed to be qualified and licensed to practice medicine, surgery, and midwifery in the province of Quebec ; and such register shall at all times be open and subject to inspection by any duly registered practitioner in the province, or by any other person.

**18.** It shall be the duty of the registrar to keep the register correct in accordance with the provisions of this act and the orders and regulations of the provincial medical board, and he shall from time to time make the necessary alterations in the addresses or qualifications of the persons registered under this act ; and the said registrar shall perform such other duties as shall be imposed upon him by the provincial medical board.

**19.** If the registrar be convinced of a felony he shall be disqualified from again holding any office in the college.

**20.** Every member of the medical profession who, at the time of the passing of this act, may be possessed of a license from the college of physicians and surgeons of Lower Canada, to practice medicine, surgery and midwifery in the province of Quebec, shall, on the payment of the fee of one dollar, be entitled to be registered, on producing to the registrar the document conferring or evidencing the qualification, or each of the qualifications in respect whereof he seeks to be so registered, or upon transmitting by post to such registrar information of his name and address, and evidence of the qualifications in respect whereof he seeks to be registered, and of the time or times at which the same was or were respectively obtained ; provided he register within one year after the passing of this act.

**21.** Any person entitled to be registered under this act, but who shall neglect or omit to be so registered,

shall not be entitled to any of the rights or privileges registered conferred by this act so long as such neglect or omission physicians. continues, and he shall be liable to all the penalties imposed by this act, or by any other act which may now be in force against unqualified or unregistered practitioners, and he shall pay a fine of five dollars <sup>Fine.</sup> every year until he is registered.

**22.** No person shall be entitled to recover any charge in any court of law for any medical or surgical advice, or for attendance, or for the performance of any operation, or for any medicine which he shall have prescribed or supplied, nor be entitled to any of the rights or privileges conferred by this act, unless he shall prove that he is registered under this act and has paid his annual contribution to the college. <sup>Registration required for collection of accounts.</sup>

**23.** No certificate required by any act now in force, or that may hereafter be passed in this province from any physician or surgeon or medical practitioner, shall be valid, unless the person signing the same be registered under this act. <sup>Idem, to give certificates.</sup>

**24.** Any registered member of the medical profession who shall have been convicted of any felony in any court, shall thereby forfeit his right to registration, and, by the direction of the provincial medical board, his name shall be erased from the register; or, in case a person known to have been convicted of felony, shall present himself for registration, the registrar shall have power to refuse such registration. <sup>Physician convicted of felony.</sup>

**25.** Any person not entitled to be registered in this province, who shall be convicted upon the oath of one or more witnesses in accordance with the provisions of 38 Vict., ch. 35 of this province, of having practiced medicine, surgery or midwifery in the province of Quebec, for hire, gain, or hope of reward shall, upon summary conviction before a sheriff, or district magistrate or recorder, or judge of the sessions of the peace, be condemned to pay a fine of not less than twenty-five <sup>Fine.</sup> dollars, nor exceeding one hundred dollars.

**2.** A like penalty shall be incurred by every person assuming the title of doctor, physician or surgeon, or any other name implying that he or she is legally authorized to practice medicine, surgery or midwifery, in this province, if unable to establish the fact by legal proof, and every person who by advertisement in any newspaper, or by printed or written circulars, or by card, or by sign-board assumes any addition, name or description implying or calculated to lead persons to infer that he or she is a duly <sup>Illegal assumption of title of doctor, &c.</sup>

Fine.

registered or qualified practitioner of medicine, surgery, and midwifery or any one of them, or any person offering or giving his or her services as physician, surgeon or midwife, if not duly licensed and registered in this province, shall in each such case, be liable to be condemned to a like penalty.

Proof.

3. In every prosecution under this act, the proof of registration shall be incumbent upon the prosecuted.

Tribunal.

4. All prosecutions under this act, shall take place before any sheriff, district magistrate, or recorder, or judge of special sessions of the peace having jurisdiction in the locality where the offence was committed, and such sheriff, district magistrate, or recorder or judge of special sessions of the peace, besides the fine above mentioned, shall have power to condemn in costs; and in the event of the costs and the fine not being paid, to order an imprisonment for a term not exceeding thirty days, unless the fine and costs be sooner paid:

Costs.  
Imprisonment.

26. The penalties imposed by this act shall be recoverable with costs, and the same may be sued for, and recovered by the said college of physicians and surgeons of the province of Quebec, by its corporate name, and the penalties being recovered shall belong to the said corporation for the use thereof.

Physicians, competent as witnesses.

And neither in any such suit or in any other civil action to or in which the said corporation may be a party or interested, shall any member of the corporation be deemed incompetent as a witness by reason of his being such member.

Fines where and when paid.

2. All penalties recoverable under this act, shall be paid over to the court convicting, and by the latter, to the treasurer of the provincial medical board. The provincial medical board may authorize any person to prosecute in his own name, any person, for any infringement of this act, and the provincial medical board shall have power to allow the prosecutor the whole or a portion of the penalties recovered.

Suits authorized.

27. In all cases where proof of registration under this act is required, the production of a printed or other copy of the register, certified under the hand of the registrar of the college of physicians and surgeons of the province of Quebec, for the time being, shall be sufficient evidence that all persons therein named are registered practitioners, in lieu of the production of the original register; and any certificate upon such printed or other copy of the register, purporting to be signed by any person in his capacity of registrar of the college under this act, shall be *prima facie* evidence that such person is such registrar, without any proof of his signature, or of his being in fact such registrar.

**28.** The present board of governors elected under the provisions of the acts hereinbefore repealed, shall be continued, and shall act until after the next triennial election, but subject in all other respects to the provisions of this act; and all by-laws, rules and regulations heretofore made by the said college of physicians and surgeons of Lower Canada, shall remain in force until repealed or modified under the provisions of this act.

**29.** The officers appointed under the provisions of the acts repealed, shall retain their respective offices, and perform their respective duties under the provisions of this act, and all books and registers heretofore kept by them in conformity with the acts hereby repealed, shall be continued in use for their respective purposes under this act.

**30.** The college of physicians and surgeons of the province of Quebec is hereby vested with all the rights, powers, privileges, property and assets, heretofore belonging to the college of physicians and surgeons of Lower Canada.

**31.** Nothing in this act contained shall be construed to affect the rights of any persons under the provisions of the act 28 Vict., cap. 59 and amendments thereto. 29 Vict., cap. 95.

### C A P . X X V I I .

An act to amend and repeal certain acts and enactments therein mentioned.

[Assented to 28th December, 1876.]

**H**ER MAJESTY, by and with the advice and consent of the Legislature of Quebec, hereby enacts, in relation to the following acts of the said Legislature of Quebec, passed in the 38th and 39th years of Her Majesty's reign, as follows:

**1.** The word "parliamentary" wherever used in the act 38 V. c. 7, 38 Victoria, chapter seven, intituled: "An act respecting the election of members of the legislative assembly of the province of Quebec," shall be held and construed to mean and apply to the election of members of the legislative assembly of Quebec only.

The sections fifty-six and fifty-seven of the said act ss. 56, 57, are hereby repealed, and the following clauses enacted in lieu thereof which shall be read and construed as if replaced.

they had originally formed part of the said act instead of the said sections hereby repealed, that is to say :

“ 56. Every secretary-treasurer, who has refused or neglected to make the alphabetical list of electors as required by this act, or who having made the list, has wilfully inserted therein or omitted therefrom any name which should not have been so inserted or omitted therefrom, shall incur a penalty not exceeding five hundred dollars or imprisonment not exceeding twelve months in default of payment.”

“ 57. Every person having the custody of electors' lists and whose duty it is to deliver copies thereof who shall have made any insertion or omission as in the preceding sections in the copies furnished by him, shall incur the penalty prescribed in the last preceding section.”

s. 218,  
amended.

The following words “ forge or counterfeit or alter,” forming part of sub-section one of the section two hundred and eighteen of the said act, are hereby repealed and struck from the said sub-section one, which shall be read as if the said words had never formed a part thereof.

s. 235,  
amended.

Section two hundred and thirty-five of the said act shall be amended by striking out of the said section, after the word “ penalty ” therein, the words “ in favor of such person ” and also after the word “ dollars ” the words “ together with all damages sustained by reason thereof,” and substituting in place thereof the words following : “ reserving to such person his recourse at law against such returning officer for all damages sustained by such person by reason thereof.”

s. 238,  
amended :  
ss. 290, 291,  
repealed.

The last paragraph of the section two hundred and thirty-eight, and the sections two hundred and ninety and two hundred and ninety-one of the said act are hereby severally repealed.

38 V., c. 76,  
(City of  
Three Rivers)  
s. 75, replaced.

Liquors.

s. 79, § 4,  
repealed.

38 V., c. 78,  
(town of  
Lachine),  
amended.

2. The sub-section one of section seventy-five of the act 38 Victoria, chapter seventy-six, intituled : “ An act to amend and consolidate the “act of incorporation of the city of Three Rivers, and the various acts which amend the same ” is hereby repealed, and the following substituted therefor and shall be read and form the said sub-section.

“ I. For authorizing the sale of any spirituous, vinous, alcoholic or intoxicating liquor subject to such restrictions as they may deem expedient.”

The fourth sub-section of section seventy-nine of the said last mentioned act is hereby repealed.

3. The act 38 Victoria, chapter seventy-eight, intituled : “ An act to amend the act thirty-six Victoria, chapter fifty-three, intituled : “ An act to incorporate the corporation of the town of Lachine.”

So much of the section of this act as empowers the Police force, police force thereby constituted to act against infringements of any federal or provincial law or without warrant to enter houses, store-houses, grocery-stores, shops, inns or other suspicious places, or yards or other places within the limits of the said town for the arrest of any contravening person found therein or thereon, or to enter any inn, hotel or licensed shop for the sale of spirituous, vinous or fermented liquors to ascertain whether the laws or by-laws referred to regulating such places for the sale of such liquors have been observed, and to arrest on view any person for contravening those laws or by-laws aforesaid, prohibiting the sale of spirituous, vinous or fermented liquors without license, or to act as such police or constables elsewhere than within the limits of the said town or of contravention of any laws save and except the said by-laws, without special authority therefor, is hereby repealed.

4. So much of the section ninety-one of the act 38 V., c. 79, Victoria, chapter seventy-nine, intituled : "An act to incorporate the city of Hull," as gives power to the council of the said city to make by-laws in relation to the several ferries between the said city and the city of Ottawa and the township of Templeton, and for imposing penalties for the refusal or neglect of conformity with such by-laws and for regulating the recovery of such penalties in the appropriation to the said city of Hull, and the entire proviso to the said section as to the right of the mayor, aldermen and citizens of the said city, to grant licenses to keep such ferries, and for the equal division of the revenue from such licenses between both corporations, are hereby repealed.

The fifth sub-section of the said section ninety-one is hereby repealed and the following substituted to be read in lieu thereof and to form the said sub-section :

5. For authorizing the sale of any spirituous, vinous, Liquors, alcoholic or intoxicating liquors, subject to such regulations as they may deem expedient."

The one hundred and thirtieth section of the said last act is hereby repealed.

The section one hundred and sixty-six of the said last act is hereby amended by striking therefrom the words following of the said section after the word "manner" in the said section, to wit:—"all offenses against the provisions of the act chapter one hundred and two of the consolidated statutes for Lower Canada is so far as the provisions of the said act are applicable to the said city and also" which shall form no part of the act and by substituting therefor the words following : "as herein before provided."

s. 219,  
amended.

The section two hundred and nineteen of the said last act is hereby amended by striking therefrom the words following : " The provisions of chapter one hundred and two of the consolidated statutes for Lower Canada herein before mentioned or" which shall no longer form or be read as part of the said section,

38 V., c. 81,  
(Atlantic In-  
surance Co.  
of Montreal),  
amended.

5. So much of the act 38 Victoria, chapter eighty-one, intituled : " An act to incorporate the Atlantic Insurance Company of Montreal," as purports to authorize the said company to carry on the business of insurance as in the said last act mentioned and to do all things appertaining thereto or connected therewith elsewhere than in the province of Quebec, and to make investment of its funds in the securities of any foreign state or states, and to contract or be contracted with elsewhere than in the province of Quebec, and to make contracts of insurance in respect of any vessel, steamer, boat or other craft navigating the oceans or high seas or lakes, rivers or other navigable waters from any port elsewhere than in the province of Quebec or to any port elsewhere than in the said province, is hereby repealed.

38 V., c. 89,  
(Sherbrooke  
Gas Compa-  
ny), ss. 15,  
18 & 19, re-  
pealed.

6. The fifteenth, eighteenth and nineteenth sections of the act 38 Victoria, chapter eighty-nine, intituled : " An act to incorporate the Sherbrooke gas company," are hereby repealed.

39 V., c. 33,  
(Notarial act)  
s. 7, repealed.

7. The section seven of the act 39 Victoria, chapter thirty-three, intituled : " An act to amend and consolidate the various acts respecting the notarial profession in this province," is hereby repealed.

39 V., c. 41,  
(St. Maurice)  
amended.

8. The word "parliamentary" wherever used in the act 39 Victoria, chapter forty-one, intituled : " An act to annex certain portions of the township of Shawinigan in the county of St. Maurice to the parish of Ste. Flore in the county of Champlain for school, municipal and registration purposes and for the purpose of parliamentary representation" shall be held and construed to mean and apply to the election of members of the legislative assembly of Quebec only.

39 V., c. 42,  
amended :  
(Counties of  
Lotbinière &  
Beauce).

9. The word "parliamentary" wherever used in the act 39 Victoria, chapter forty-two intituled : " An act to detach a certain portion of the county of Lotbinière and to annex it to the county of Beauce for school, municipal and registration purposes and for those of parliamentary representation, and to civilly erect the parish of St. Séverin," shall be held and construed to mean and apply to the election of members of the legislative assembly of Quebec only.

**10.** The word "parliamentary," whereyer used in the 39 V., c. 43, act 39 Victoria, chapter forty-three, intituled : "An act to <sup>amended.</sup> detach a certain portion of the county of Bellechasse and <sup>(Counties of</sup> Montmagny to annex the same to the county of Montmagny for <sup>and Belle-</sup> parliamentary, registration, municipal or school purposes," <sup>chasse.)</sup> shall be held and construed to mean and apply to the election of members of the legislative assembly of Quebec only.

**11.** The sub-section four of section thirty-three of the 39 V., c. 50, s. act 39 Victoria, chapter fifty, intituled : "An Act to incor- <sup>33, § 4, (City</sup> porate the city of Sherbrooke," is hereby repealed. <sup>of Sher- brook) re-</sup>pealed.

**12.** The act 39 Victoria, chapter fifty-six, intituled : "An act to amend the act incorporating the Montreal, <sup>39 V., c. 56,</sup> Portland and Boston railway," is hereby repealed. <sup>repealed.</sup>

**13.** So much of the act 39 Victoria, chapter sixty, <sup>39 V., c. 60,</sup> intituled : "An act to incorporate the patriotic insurance <sup>amended.</sup> company of Canada," as purports to authorize the said <sup>(Patriotic</sup> Ins. Co. of <sup>Co. ada.)</sup> company to carry on the business of life insurance and fire and marine insurance and to do all things appertaining thereto or connected therewith elsewhere than in the province of Quebec, and to make and effect contracts of life insurance, and generally to enter into transactions dependent upon the contingency of life and all other transactions usually entered into by life insurance companies, and to effect contracts of insurance against loss by fire or the perils of sea and inland navigation, from any port elsewhere than in the province of Quebec, or to any port elsewhere than in the said province, or to invest its funds in the securities of any foreign state or states, is hereby repealed.

The section twenty-seven of the act last mentioned is <sup>s. 27, repea-</sup> hereby repealed. <sup>ed.</sup>

The section twenty-eight of the said last act is hereby <sup>s. 28, amend-</sup> amended by confining the provisions of this section to <sup>ed.</sup> civil actions, suits and prosecutions.

The name of the insurance company incorporated by Name the said act, is changed to that of "The patriotic insu- <sup>changed.</sup> rance company of Montreal," and the said company under such name shall be subject to all the obligations, and may exercise all the powers, rights, privileges, claims and demands which it now possesses, or may in future possess, as if there had been no alteration in the name thereof, excepting always that which is amended by the present act.

**14.** The act 39 Victoria, chapter sixty-two, intituled : "An act to change the name of 'The provincial permanent building society' to that of 'the provincial loan <sup>(Loan Co.)</sup> ss. 9, 11, <sup>amended.</sup>

company' and to extend the powers thereof," is hereby amended, by striking from the ninth section thereof the final words following : "may be agreed upon" and substituting therefor the words "are established by law in this province" and by striking from the section eleven of the said act after the word "interest" the following words : "as may be deemed advisable" and substituting therefor the words "which shall be legally agreed upon."

39 V., c 63

(Loan and  
MortgageCo.) ss. 9 and  
11, amended.

**15.** The act 39 Victoria, chapter sixty-three, intituled : "An act to change the name of the 'Montreal permanent building society' to that of 'The Montreal loan and mortgage company' and to extend the powers thereof," is hereby amended by striking "from the ninth section thereof the final words following : "may be agreed upon" and substituting therefor the words "are established by law in this province," and by striking from the section eleven of the said act after the words "interest" the following words : "as may be deemed advisable" and substituting therefor the words "which shall be legally agreed upon."

39 V., c 66,

ss. 2 and 9,  
amended. (V.

Hudon Co.)

**16.** Chapter sixty-six of the act 39 Victoria, intituled : "An act to authorize the 'V. Hudon mills company, Hochelaga' to issue debentures on the security of the property of the said company and for other purposes," is hereby amended by striking from the fourth sub-section of the second section of the said act the words following : "eight per cent that they bear" and substituting the words following : "at the rate which shall be legally agreed upon."

The section nine of the said act is hereby repealed.

39 V., c. 76,

s. 3, amend-  
ed. (Musical

Band, at

Lauzon.)

**17.** The words following in the third section of the act 39 Victoria, chapter seventy-six, intituled : "An act to incorporate the musical band of the village of Lauzon," to wit : "or of imprisonment for thirty days or of both at once in the discretion of the judge" are hereby repealed and struck from the said act, no longer to form part thereof.

## C A P. X X V I I I.

An Act to render permanent the several Acts therein mentioned.

[*Assented to 28th December, 1876.*]

Preamble.

WHEREAS it is expedient to continue the acts hereinafter mentioned, which would otherwise expire at the end of the present session; and whereas it is expedient

to render the said acts permanent ; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. The act of the parliament of the late province of <sup>2 Geo. 4, c. 8.</sup> Lower Canada, passed in the second year of the reign of his late Majesty, King George the Fourth, intituled : "An Act for better regulating the common of the Seigneurie of Laprairie de la Magdeleine ;"

The act of the said parliament, passed in the same <sup>2 Geo. 4, c.</sup> year of the same reign, and intituled : "An Act to enable <sup>10.</sup> the inhabitants of the Seigniory of La Baie Saint Antoine, commonly called Baie du Febvre, to provide for the better regulation of the common of the said Seigniory," as amended and extended by the act of the said parliament, passed in the fourth year of the same reign, and intituled : "An Act to authorize the chairman and trustees of the <sup>4 Geo. 4, c.</sup> common of the Seigniory of La Baie St. Antoine, <sup>26.</sup> commonly called Baie du Febvre, to terminate certain disputes relating to the limits of the said common, and for other purposes appertaining to the same ;"

The act of the said parliament, passed in the ninth year <sup>9 Geo. 4, c.</sup> of the same reign, and intituled : "An Act to alter and <sup>32.</sup> amend an act passed in the sixth year of Her Majesty's reign, and intituled : "An Act to authorize the inhabitants of the fief Grosbois, in the county of St. Maurice, to make regulations for the common of the said fief,"

Are hereby rendered permanent, and shall remain in <sup>Made permanent.</sup> force until repealed by this legislature.

2. This act shall come into force on the day of the Act in force, sanction thereof.

## C A P   X X I X.

### Town Corporations' General Clauses Act.

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[Assented to 28th December, 1876.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

#### PRELIMINARY.

1. The provisions of this act shall apply to every town corporation or municipality, which shall hereafter be established by the legislature of this province, and they shall constitute part of the special act, relative to such town, so as to form with it one and the same act, unless they be expressly modified or excepted. Application of this act.

2. For any of the provisions of this act not to be incorporated in the special act the special act must expressly declare that such provisions, specifying them by their numbers, shall not form part thereof; and this act shall be interpreted accordingly. Express mention of exceptions shall be necessary.

3. The following expressions, terms and words, whenever the same occur in this act, shall have the meaning, sense and application, which are respectively assigned them in this section unless the context of the provision indicates or declares otherwise : Interpretation.

1. The term "special act" means any act of the legislature of this province establishing a town municipality or corporation; Special act.

2. The word "municipality" signifies the territory erected into a town by the special act; Municipality.

3. The word "district" means any judicial district, established by law, and designates the district in which the town is situated; District.

17. That the expenses of this act or  
any part of it, or the amount of it is  
not less than £100, it is liable to any  
tax or duty which may be payable to  
any person or persons by reason of such  
expenses, and the same may be paid by  
any person or persons by whom such  
expenses are incurred.

the same sections indicated in the title of the act or in the same part is a reference to

any of the expressions used in any of the original matters, in so far as provided that, on such time as is left is capable of being used.

**8.** No act connected with municipal affairs, performed by a council, its officers or any other person, shall be null or void solely on account of error or insufficiency in the designation of the corporation, or of the municipality, or of such act, or on account of insufficiency in, or the omission of the declaration of the quality of such officer or person, provided no surprise or injustice result therefrom.

**9.** No objection founded upon form or upon the omission of any formality even imperative, shall be allowed to prevail in any action, suit or proceeding respecting municipal matters, unless substantial injustice would be done by rejecting such objection, or unless the formality omitted be such, that its omission according to the provisions of this act, would render null the proceedings or other municipal acts needing such formality.

**10.** Any oath required by the provisions of this act, or of the special act, may be made before the mayor, the secretary-treasurer or any justice of the peace.

Any person, before whom any oath may be made, is empowered, and required whenever he is called upon to do so, to administer the oath and deliver a certificate thereof to the party taking the same without fee.

**11.** In all proceedings in which the rights of any municipal corporation are involved, no witness shall be inadmissible from the fact of his being an elector or a rate-payer of the municipality, or from his forming part of the council.

**12.** Whenever any deposition or information is required to be given under oath, on behalf of any corporation, such deposition or information may be given by any member or officer of the council.

**13.** Every justice of the peace and all persons who refuse or neglect, without reasonable cause, to do any act or duty imposed upon them by the provisions of this act or of the special act, or required of them in virtue of such provisions, shall incur, over and above the damages caused, a penalty of not less than four nor more than twenty dollars, except in cases otherwise provided for.

## FIRST PART.

### ORGANIZATION OF THE CORPORATION.

**14.** The inhabitants and rate-payers of every town municipality, which shall in future be established, and constituted.

their successors, shall be a corporation or body politic, known under the name mentioned in the special act.

General powers.

**15.** Such corporation, under its corporate name, shall have perpetual succession, and may :

1. Acquire real or personal property by purchase, donation, devise or otherwise, and hold, enjoy and alienate the same ;
2. Enter into contracts, transact, bind and oblige itself and others to itself within the limits of its powers ;
3. Sue and be sued in any cause and before any court of justice ;
4. And generally exercise all the powers vested in it or which are necessary for the accomplishment of the duties imposed upon it.

#### 1. OF THE COUNCIL.

By whom the corp. is represented.

**16.** The corporation shall be represented by its council : its powers are exercised and its duties discharged by such council and its officers.

##### 1. *Composition of the Council.*

How composed.

**17.** The municipal council shall be composed of a mayor and of the number of councillors fixed by the special act, elected in the manner hereinafter prescribed.

Duration.

**18.** The mayor shall be elected for one year, and the councillors for the period fixed by the special act.

Term expired.

**19.** The term of the office of mayor shall end at the opening of the first general or special session of the council held after the annual general elections.

The same rule shall apply to the councillors retiring from office at the time of such elections.

Another term.

**20.** In all cases the mayor or any councillor elected to replace another, shall remain in office only during the remainder of the time for which his predecessor was elected.

##### 2. *Provisions proper to members of the council.*

Oath of office.

**21.** Every member of the council, so soon as he is appointed, shall make oath well and faithfully to discharge the duties of his office.

Before whom taken.

The oath of office of the councillors and of the mayor may be taken before a justice of the peace, or before the mayor in office for the time being, and an entry thereof shall be made in the book of the proceedings of the council.

A member of the council shall not enter upon the <sup>Entry upon</sup> discharge of his duties, until he has taken the oath of <sup>duty.</sup> office.

**22.** The omission during fifteen days on the part of any <sup>Omission to</sup> member of the council to take the oath required for the <sup>take oath.</sup> office to which he has been appointed, shall constitute a refusal to accept such office, and render him subject to the penalties prescribed in such case.

**23.** The councillors shall not receive any salary, profit <sup>Services to be</sup> or indemnity, in any shape whatsoever for their services. <sup>gratuitous.</sup>

**24.** The members of the council shall be unable to <sup>Disabilities</sup> hold any subordinate office under the council of which <sup>resulting</sup> they are members, nor shall they be sureties for the <sup>from office.</sup> performance of the duties attached to such office.

**25.** Any person appointed to the office of mayor or of <sup>Refusal to</sup> councillor, who illegally refuses to accept such office or <sup>accept office.</sup> to continue to perform the duties thereof, shall incur a penalty of thirty dollars for the office of mayor and twenty dollars for the office of councillor.

**26.** A member of council shall be deemed to have <sup>When refusal</sup> refused to continue to perform the duties of his office when <sup>shall be held</sup> he, for two consecutive months, shall refuse or neglect <sup>to have oc-</sup> without, in the opinion of the council, reasonable cause, to discharge the duties of such office.

**27.** Any member who refuses to accept the office, or to <sup>Resumption</sup> continue to perform the duties of the office, to which he <sup>of office</sup> has been appointed in the council, or who is unable to perform such duties for three consecutive months, through absence, illness, infirmity, or otherwise, may at any time, until the vacancy caused by his refusal or incapacity to act be filled up, resume his duties and perform the same, if he is able to do so, without prejudice in any case to the costs of proceedings instituted against him, when any such proceedings may be instituted.

**28.** No vote given by a person filling illegally the <sup>Validity of</sup> office of member of the council, and no act in which he <sup>certain votes</sup> participates in such quality, shall be set aside solely by <sup>and acts.</sup> reason of the illegal exercise of such office.

**29.** The mayor shall exercise the right of superinten- <sup>Mayor to su-</sup> dence over the officers of the municipality, shall see to <sup>perintend and</sup> the faithful and impartial execution of all municipal <sup>make sugges-</sup> ordinances and by-laws, and communicate to the council <sup>tions.</sup> any information and suggestion which he may <sup>consider</sup>

conducive to the interests of the municipality or its inhabitants.

Signs, etc.

**30.** He shall sign, seal and execute, in the name of the council, all debentures, contracts, agreements or deeds made and passed by the corporation, unless the council provide otherwise.

Reads all circulars from Gov't, etc.

**31.** It shall be his duty to read to the council, in session all circulars or communications addressed to himself or the council by the lieutenant-governor, or by the provincial secretary, and, if it be required by the council or by the lieutenant-governor, to make them public in the municipality, in the manner required for public notices.

Gives information.

**32.** He shall be also bound to furnish to the lieutenant-governor, on demand, all information concerning the execution of the municipal law, and all other information which it may be in his power to give with the concurrence of the council.

Mayor and  
councillors to  
be justices of  
the peace.

**33.** The mayor and councillors shall be *ex-officio*, without other qualification and without being obliged to take the oath prescribed for such office, justices of the peace within the limits of the municipality so long as they continue in office.

Jurisdiction.

They shall be competent to hear and decide all cases in which the corporation or its officers are interested parties.

**II. OF PERSONS BOUND TO ACCEPT MUNICIPAL OFFICES,  
AND OF THOSE INCAPABLE OF, OR EXEMPT  
FROM DISCHARGING THEM.**

**1. Of persons bound to accept municipal offices.**

General qua-  
lification.

**34.** Every male resident of full age in a municipality, not declared disqualified by a provision of this act, shall be capable of discharging a municipal office.

Exercise of  
duties obliga-  
tory.

**35.** Whosoever is capable of discharging any municipal office in the municipality, and is not exempted from so doing, shall be bound to discharge such office, if he is thereunto appointed, and to perform all the duties thereof, under the penalties prescribed by law.

No one, however, shall be bound to accept or to continue in the discharge of the office of secretary-treasurer.

## 2 Of persons disqualified for municipal offices.

**36.** The following persons shall not be appointed to General dis-  
nor fill municipal offices : qualifica-  
tions.

1. Minors ;
2. Persons in holy orders, and the ministers of any religious denomination ;
3. Members of the privy council ;
4. The judges of the supreme court, of the court of Queen's bench, of the superior court, and of the court of vice-admiralty, the district or police magistrates and sheriffs ;
5. Officers on full pay of Her Majesty's army or navy, and the officers or men of the provincial or local police force ;
6. Keepers of taverns, hotels or houses of public entertainment, or persons who have acted as such within the twelve preceding months.

**37.** Whosoever has no domicile or place of business in a town, shall be incapable of exercising any of the municipal offices of such town. Idem.

**38.** No person receiving any pecuniary allowance or other consideration from the corporation for his services, or having, directly or indirectly, by himself or his partner any contract or interest in any contract with the corporation, shall be appointed a member of the council of the said corporation or act as such. Idem.

Nevertheless a shareholder in any incorporated company, which has any contract or agreement with any corporation, shall not be disqualified from acting as a member of the council of such corporation. Exception.

The word "contract" used in the first provision of this section does not extend to any lease, nor to any sale or word "con-  
purchase of lands, nor to any loan of money, nor to any tract." agreement respecting any of these acts.

**39.** No person shall be elected mayor or councillor, or Eligibility fill either or these offices unless :

1. He be of the male sex, of full age and a subject of Her Majesty by birth or naturalization ;
2. He can read and write ;
3. He has had his domicile or place of business within the limits of the town, during the year preceding the election ; and
4. He has possessed therein, for at least twelve months, as proprietor in his own name or in that of his wife, real estate of the value of one thousand dollars for the office of mayor and four hundred dollars for that of councillor.

Disqualifica-  
tion.

**40.** The person who *de facto* presides at any municipal election shall not be elected as mayor or councillor at such election.

Idem

**41.** No person, surety for any secretary-treasurer, shall be a member of the council of which such secretary-treasurer is the officer, before he is freed from all obligations to the corporation arising from his bond as surety.

Other disqua-  
lifications.

**42.** Other disqualifications relative to certain municipal offices, are prescribed in the provisions respecting these offices.

Notice re-  
quired.

**43.** Whoever has been appointed to any municipal office for which he becomes disqualified during his exercise of such office, shall give without delay, at the office of the council, a notice alleging the reasons of his disqualification and tendering his resignation.

Until such notice is given, such person shall be deemed to have continued in the exercise of such office, and shall be liable to all penalties, prosecutions and other rights of action set forth in this act.

Notorious  
disqualifica-  
tion.

**44.** If the disqualification of a person appointed to a municipal office or holding the same is notorious or sufficiently established, the council may by resolution declare the office of such person vacant, saving any recourse on the part of the person appointed. The vacancy shall then be filled in the ordinary manner, and within the delay prescribed.

### *3. Of persons exempt from municipal offices.*

General  
exemptions.

**45.** The following persons are exempt from any municipal office :

1. Members of the senate, of the house of commons, of the executive council, and of the provincial legislature ;

2. All civil functionaries, the employees of the federal parliament and of the provincial legislature, and the militia staff ;

3. Advocates, notaries, provincial land surveyors, physicians, apothecaries and teachers, engaged in their respective professions ;

4. Licensed pilots, persons engaged in navigation, and millers ;

5. Persons of over sixty years of age ;

6. Gaolers and keepers of houses of confinement, of correction, or of reformatory schools ;

7. All persons employed on railways.

**46.** Any person having discharged any office under the council during the two years next preceding, may refuse to accept any office whatever under the same council during the two years next after such service.

**47.** Any person actually engaged in an office under any council, may, while he is discharging the duties of such situation, refuse to accept any other office under the same council.

**48.** Any person who shall pay a penalty for refusal to accept any municipal office, shall be exempt from filling any office whatsoever, under the same council, during the period for which he had been appointed.

**49.** Any person, who shall be appointed to a municipal office from which he is exempt, or who while filling any office shall become exempt, and desire to avail himself of such exemption, shall lodge in the office of the council, a special notice to that effect, within the fifteen days following the notification of his appointment, or the day when he shall become exempt from filling such office.

In default of his so doing, he may no longer claim his exemption.

### III. OF MUNICIPAL ELECTORS.

**50.** Every person shall be a municipal elector, and as such shall have the right to vote at the election of mayor and councillors, and to exercise all the rights and privileges conferred on municipal electors by the provisions of this act or of the special act, who, at the time he exercises such rights and privileges, is under the following conditions :

1. He must have attained the age of majority, and be a British subject ;

2. He must have been in possession, in the municipality, during the preceding six months, either in his own name or in the name and for the benefit of his wife, as appears by the valuation roll in force, as proprietor of real estate of the actual value of at least two hundred dollars, or as tenant farmer or lessee or as occupant by any title whatsoever, of real estate of the annual value of at least twenty dollars ;

3. He must have paid all the municipal and school taxes due by him at the period of his exercising such right as elector ;

4. His name must be entered either as proprietor, lessee or occupant in the valuation roll in force in the municipality, or be entered on the list of municipal electors, if there is such list.

Illegal exercise of electoral rights.

**51.** Whosoever shall vote at any municipal election, or exercise any right or privilege by this act or by the special act conferred on any municipal elector, without having at the time of voting or exercising such right or privilege, the qualities required as a municipal elector, shall incur a penalty of twenty dollars.

#### IV. GENERAL ELECTION OF MAYOR AND COUNCILLORS.

Date of elections.

**52.** The general elections shall take place every year in the month of January. The nomination shall take place at ten o'clock in the morning, on the second Monday of January, and the polling, when required, shall be held on the third Monday of January.

If for n.w. town.

**53.** In any town newly established, the first general election shall take place on the day and at the hour and place mentioned in the special act.

The following general election shall be held at the time fixed in the preceding section.

Number of persons to be elected.

**54.** At each such election, there shall be elected a mayor and as many councillors as the special act requires, if it is the first election, or as retire from office, if it be the general elections following.

Notice previous to election.

**55.** Eight days before each general election, public notice shall be given by the secretary-treasurer or by the mayor, announcing such election, and calling together a general meeting of the electors of the municipality, at the time and place indicated for the nomination.

In the case of the first general election, the notice shall be given by the person who is to preside over it.

Omission to give notice.

**56.** The omission to give such public notice shall not prevent the meeting of the municipal electors from being held for such election; but the persons who have neglected to give such notice within the prescribed delay, shall each incur a penalty of not less than five nor more than twenty dollars.

Sec.-Treas. to preside over election.

**57.** The secretary-treasurer of the council shall *ex officio* preside at the election of the mayor and councillors. In a town newly erected, the election of the mayor and councillors shall be presided over by the secretary-treasurer of the municipality from which the territory of the town has been separated, unless some person has been designated by the special act as presiding officer of such election.

Appoint an election clerk.

The presiding officer shall, in all cases, appoint an election clerk to assist him in the execution of his duties.

relative to the elections. In the event of the secretary-treasurer being absent or unable to act, the election clerk shall discharge all his duties and under the same penalties.

**58.** If the secretary-treasurer, from any reason whatsoever becomes unable to act before he has appointed a clerk the mayor in office may appoint another person, to hold and preside over the election ; and the person so appointed shall, in this respect, have all the powers and discharge all the duties of the secretary-treasurer.

**59.** The meeting of municipal electors for the nomination of mayor and councillors, shall be held at the town hall and shall be opened at ten o'clock in the morning of the day fixed therefor.

**60.** After having opened the meeting, the presiding officer shall receive and place in nomination the names of all persons handed in writing, by at least seven municipal electors.

In the case of an election of councillors, the presentation must be made by the electors of the ward.

**61.** If one hour after the opening of the meeting, only one person has been nominated for the office of mayor, the presiding officer shall declare such person elected.

**62.** If after the same period of time, only as many persons have been placed in nomination for councillors of any ward, as there are councillors to be elected therefor, the presiding officer shall proclaim such persons elected councillors for such ward.

**63.** If one hour after the opening of the meeting there have been and remain nominated, for the office of councillors in one or more wards, more persons than there are councillors to be elected therefor, it shall be the duty of the presiding officer of the election, to grant a poll for such ward, which poll shall be held, on the monday following, at the town hall.

**64.** If, after the same period of time, there have been and remain nominated more than one person for the office of mayor, the presiding officer shall grant a poll. Such poll shall also be held on the monday following, at the town hall, for each and every ward of the town, and at the same time as the poll for the election of councillors, if a poll is to be held in relation to such office.

Deputy presiding officers.

**65.** It shall be the duty of the presiding officer to appoint for each ward in which a poll is to be held in conformity with the two preceding sections, a deputy presiding officer, to whom shall be entrusted the holding of such poll.

How poll shall be held.

**66.** At the time specified, the poll shall be opened for each ward, by the deputy presiding officer, who shall enter or cause to be entered, in a book to be kept in accordance with the conditions hereinafter prescribed, the votes of the electors, by entering therein the names and additions of each of them.

The poll shall be opened at nine o'clock in the morning and closed at five o'clock of the afternoon of the same day.

Poll book.

**67.** Each poll book shall contain, at the top of as many distinct columns, the names and surnames of each candidate as nominated for the office of mayor and councillors.

The pages of each poll book shall be numbered in writing and initialled by the deputy presiding officer of the poll.

Voting.

**68.** At each poll so held the electors who have the right to vote thereat, may do so for any one of the candidates for the office of mayor, and for as many candidates for the office of councillor, as there are councillors to be elected for the ward.

If however the mayor or councillors of the ward have been proclaimed elected on the day of the nomination, votes shall be given only for the office in contestation.

Idem.

**69.** Electors shall only vote at the poll of the ward in which they are qualified as such.

If one elector is qualified to vote in more than one ward, he may vote for the election of councillors, in each ward wherein he is so qualified; but as regards the election of mayor, he may only vote in the ward in which he resides.

Idem.

**70.** If any person possess in the municipality, as proprietor, parcels of real estate, the value of which does not amount to two hundred dollars each, and which are situated in different wards, he may, provided the total value of such real estate together, be at least two hundred dollars, vote in the ward in which he resides, for the election of mayor, and for the election of the councillors of such ward.

Idem.

**71.** No person shall vote but once for the election of mayor and once for the election of councillors of each

ward in which he is qualified to vote, under a penalty of twenty dollars or of imprisonment for two months.

**72.** In all cases, the qualification required of electors shall be established by the valuation roll in force or by the list of municipal electors, if there be such list.

**73.** The deputy presiding officer at each poll or his clerk may, and shall on the requisition of any candidate or of his representative, or of any elector, cause any person who presents himself for the purpose of voting, to make the oath or affirmation following:

“ You swear (or affirm) :

That you are a subject of Her Majesty ;

That your name is the same as that entered on the valuation roll (or on the list of electors now shown you, if there be a list of municipal electors) ;

That you are entitled to vote at this election ;

That all your municipal and school assessments, taxes and dues exigible, are paid ;

That you have received nothing and have been promised nothing, either directly or indirectly, to vote at this election ; and

That you have not already voted at this election (of mayor and councillors of this ward, *as the case may be*). So help you God.”

**74.** If an elector take the required oath, or refuse to take the same, or if objection be made to his vote, mention of each of such facts shall be made in the poll-book, in the following terms,—“sworn”—“refused”—or“objected to,” as the case may be.

**75.** Whenever the deputy presiding officer, or his clerk, if he has one, does not understand the language spoken by one or more electors, an interpreter shall be appointed, who, before acting, shall take, before such deputy presiding officer, the following oath:

“ I swear (or affirm) that I shall faithfully translate the oaths, declarations, affirmations, questions and answers which the deputy presiding officer shall require me to translate, respecting this election. So help me God.”

**76.** At the close of the poll each deputy presiding officer shall, in presence of two witnesses, calculate and certify, under his signature, in the poll-book, the total number of names entered on such book, from the first entry to the last, together with the total number of votes given to each of the candidates for the office of mayor and for that of councillor.

Casting vote  
of deputy  
presiding  
officer.

**77.** In the case of an equal division of votes in favor of two or more, among the candidates for the office of councillor, the deputy presiding officer for the ward shall forthwith give his vote, even although he be not a municipal elector, under a penalty of not less than twenty nor more than fifty dollars.

Councillors  
proclaimed  
elected.

**78.** The presiding officer shall then proclaim elected councillors of the ward, the candidates who shall have obtained the largest number of votes.

Report of  
deputy  
presiding  
officer.

**79.** If a poll is held for the election of mayor, the deputy presiding officer of each of the polls so held shall, during the hour which follows the close of the poll, transmit to the presiding officer of the election, a copy of his certificate as entered in the book, as to the number of votes given for each of the candidates for the office of mayor.

Mayor pro-  
claimed  
elected.

**80.** The presiding officer of the election, after having received the certificates mentioned in the preceding section for all the wards of the town, and after having himself ascertained the total number of votes given for each candidate, shall proclaim elected mayor him who shall have obtained the greatest number of votes.

Casting vote  
of presiding  
officer.

**81.** In the case of an equal division of votes in favor of two or more candidates standing for the office of mayor, the presiding officer shall be bound, under a penalty of fifty dollars, to give his casting vote, without delay, in favor of such candidate as he may deem expedient, and shall proclaim him elected mayor.

Presiding  
officer to  
remain in  
town hall.

**82.** It shall be the duty of the presiding officer of the election to remain in the town hall during the whole time that the poll is being held.

Notice to  
candidate  
elected.

**83.** In the three days next after the close of the election, the presiding officer thereof shall give to each of the candidates elected mayor or councillor a written notice of his election.

Report of  
presiding  
officer.

**84.** Within eight days next after the close of the election, the presiding officer shall draw up a faithful report of his proceedings, and shall forward it to the office of the council, together with the original notice to the candidates elected, the certificates, poll-books and other papers, which have been in his possession as presiding officer of the election.

Such various documents shall be certified as faithful by him and shall form part of the archives of the council.

The presiding officer of the first election in a newly

erected town, shall keep such documents until the secretary-treasurer of the town shall have been appointed, and forward them to such officer without delay upon his entering in office.

**85.** The presiding officer of the election and the deputy presiding officers shall not vote except in the case of sections 77 and 81. Votes of presiding officer and deputy

**86.** In any municipality, not divided into wards, the election of councillors for the whole municipality shall be held in the manner prescribed for that of wards ; and the poll, if required, shall be held by the secretary-treasurer himself, with the assistance of his clerk. Municipality is not divided into wards.

**87.** In the case of the preceding section, if, at five o'clock of the day of the opening of the poll, the votes of all the electors present have not been recorded, the polling shall be adjourned till the following day at ten of the clock in the forenoon for the continuation of the recording of the votes ; and the poll shall be closed at five o'clock on that day. Adjournment of polling.

**88.** If it happen that the annual general elections do not take place at the time specified in this act, it shall be the duty of the councillors who do not retire from office to assemble without delay to fix the days on which the nomination and the holding of the polls shall be held. In case general elections are postponed.

The days so fixed shall be the soonest possible, and public notice of the election shall be given one clear day before the election

**89.** If, within fifteen days next after that on which the general elections should have taken place, the councillors who do not retire from office have not complied with the preceding section, they and each of them shall be liable to a penalty not exceeding twenty dollars. Idem. Penalty.

In such latter case, it shall be the duty of the mayor in office or of the person who shall have last discharged the duties of mayor, under a penalty of one hundred dollars, to fix the days of the election and to give the notice required by section 88. Duty of mayor.

**90.** In default to act, on the part of the mayor mentioned in the preceding section, the lieutenant-governor may name a person and direct her to do what is required of such mayor. Mayor's default to act. Mayor's default to act.

**91.** The presiding officer at an election shall as such possess the same powers as a justice of the peace, and may exercise them throughout the whole extent of the peace. Presiding officer to be a justice of the peace.

municipality, from eight o'clock in the morning of the day of the nomination, to the day following, up to nine o'clock in the morning, if there be no poll to hold. In the contrary case, he may exercise such powers till nine o'clock in the morning of the day following the voting.

Appointment of special constables.

**92.** The presiding officer at the election may, moreover, for the purpose of preserving peace and public order, swear in as many special constables as he deems necessary, and require the assistance of all justices of the peace, constables and other persons residing in the municipality, by verbal or written order.

Appointment of clerk.

**93.** Each deputy presiding officer of the election may, by an instrument in writing under his hand, appoint a clerk.

Duties.

Such clerk shall discharge all the duties assigned to him by the deputy presiding officer who appoints him, and shall further discharge those conferred by law on the deputy presiding officer, in the case of the latter's absence or incapacity.

Qualifications.

**94.** Deputy presiding officers at elections and their clerks shall in all cases be able to read and write.

Election expenses.

**95.** Election expenses shall be defrayed by the corporation.

The services of presiding officer, at an election, shall be gratuitous ; nevertheless, the council shall reimburse all just expenses incurred by him, on account of the election, and may allow the deputy presiding officers and their clerks an indemnity for the services.

#### V. VACANCY IN THE OFFICE OF MAYOR OR COUNCILLOR.

When vacancy occurs.

**96.** There shall be a vacancy in the office of mayor or councillor in each of the cases following :

1. When a person has been appointed mayor or councillor, who is exempt from serving as such, or when any person discharging either office becomes exempt during his occupancy thereof, and such person has, in either case, complied with section 49 ;
2. In the case of refusal to accept or continue to perform such office ;
3. When the mayor's or councillor's domicile or place of business is no longer within the limits of the municipality ;
4. When the person discharging the office is declared bankrupt, or becomes insolvent, or has applied to obtain the benefit of any law to protect or relieve insolvent debtors ;

5. When the mayor or any councillor, after his appointment, has come under one of the disqualifications established by the law and has complied with section 43;

6. In the case of absence from the municipality, or of inability to act through sickness, infirmity or otherwise, during the period of three months consecutively, subject, however, to the provisions of section 27;

7. When the resignation of the mayor or of any councillor has been accepted by the council, or when the office has been declared vacant in virtue of section 44, or when the election has been annulled;

8. In the case of death.

Notwithstanding any vacancy in the council, the members thereof, remaining in office, shall continue to exercise their powers and fulfil their duties as such. *Proviso.*

**97.** When a vacancy occurs in the office of mayor or councillor, the election of a substitute shall be forthwith *filled.* proceeded with, on the day fixed by the council; and such election shall be held in the manner prescribed for general elections.

#### VI. CONTESTATION OF THE ELECTION OF MAYOR OR COUNCILLORS.

**98.** Any election of a mayor or councillor may be contested by any candidate or by five municipal electors, on the ground of violence, corruption, fraud or incapacity, or on the ground of the non-observance of the necessary formalities. *Contestation.* *Grounds.*

**99.** The examination and decision of such contestation shall be vested in the superior court of the district. *Tribunal.*

**100.** Such contestation shall be made by a petition in *Petition.* which shall be set forth the facts and reasons alleged in support of the contestation.

The petitioners may also in their petition, indicate the persons who have a right to the office in question and state the facts necessary to establish such right.

**101.** A copy of the petition with a notice stating the service day on which it will be presented, shall be served upon and left to each member of the council whose election is contested within fifteen days from the date of such election; otherwise the right of contesting shall be forfeited.

**102.** No such petition shall be presented or received after the thirty days following the date on which the contested election was held. *When to be presented.*

Security.

**103.** The petitioners shall give security for the costs before the service of the petition ; otherwise such petition shall not be received by the tribunal.

Before whom put.

**104.** The securities required by the foregoing section shall be put before the prothonotary.

Amount.

The sureties shall be owners of real estate to the value of two hundred dollars, over and above any incumbrances there may be on such property. One surety shall suffice, provided he is an owner of real estate of the required value.

Presentation of petition.

**105.** Such petition shall be presented in open court, or to a judge in chambers, together with the returns of the preliminary services.

If the petition must be presented to a judge in chambers and that the judge be absent, it may be filed in the prothonotary's office.

Proof and hearing.

**106.** If the court or the judge, after having heard the parties, is of opinion that the grounds set forth in the petition are sufficient in law to have the appointment declared null it shall order proof to be adduced and the parties interested to be heard, on the day it deems the most convenient.

Summary proceedings.

**107.** The court or the judge shall proceed in a summary manner to hear and decide such contestation.

The evidence may be taken orally or in writing, in whole or in part, as the tribunal shall order.

Judgment.

**108.** The court or the judge by his judgment may confirm or annul the election, or declare that one or more other persons have been duly elected.

Costs.

**109.** The court or the judge may condemn either of the parties to pay the costs of the contestation ; and such costs shall be recoverable as well against the parties to the suit as against their sureties.

S sureties.

The judgment, in so far as regards the costs, shall be executory against the sureties, fifteen days after a copy thereof has been served upon them.

Service of judgment.

**110.** The tribunal may order that its judgment, if it annul the election, be served at the expense of the party against whom the judgment has been given, upon the mayor or upon any other person it may deem proper.

Court to be continued.

**111.** If the trial of the contestation is not concluded at the close of the term of the court to which the petition was presented, the sitting judge shall continue it without

interruption during the vacation, adjourning from day to day until he shall deliver his final judgment upon the merits of the contestation.

If the petition has been presented in chamber, the Case to be judge shall continue the case from day to day until his continued judgment has been rendered.

#### VII. OF SESSIONS OF THE COUNCIL.

**112.** In every newly organized town the first session <sup>First session.</sup> of the council shall be held on the wednesday next after the closing of the election, at the place indicated in the special act.

Such session shall be a general session of the council.

**113.** The council shall further hold general or ordinary sessions, on the first wednesday of each month, <sup>General sessions.</sup> unless it be otherwise provided under section 224.

**114.** The council shall continue to sit at the place where held selected for the first session, until another locality be determined on by resolution.

**115.** The quorum of the council shall be established <sup>Quorum.</sup> by the special act.

**116.** If the day fixed for an ordinary session by the <sup>Holidays.</sup> provisions of this act or by the by-laws of the council; fall upon a holiday, such session shall be held on the next following juridical day.

**117.** A special session of the council may be convened, <sup>Special sessions.</sup> at any time, by the mayor, or by the secretary-treasurer, or by two members of the council, by giving special notice of such session to all the members of the council, other than those summoning the same.

**118.** At a special session, the subjects or matters mentioned in the notice calling the council together shall alone be taken into consideration. <sup>Preliminary proceedings at special sessions.</sup>

The council, before proceeding to business at such session, must set forth and declare, in the minutes of the sitting contained in the book of its deliberations, that the notice of meeting has been served, in conformity with the requirements of this act, upon the members of the council who are not present at the opening of the sitting.

If it appear that the notice of meeting has not been served on all the absent members, the session shall be immediately closed, under penalty of all its proceedings being null.

Notice of convocation.

**119.** The notice of convocation of every special session of the council, as well as the notice of adjournment in the case prescribed by section 127, shall be given to the members of the council at least twenty-four hours before the time fixed for the session or the resumption of the adjourned session.

Hour.

**120.** Every session shall commence at the hour of seven in the evening, unless otherwise determined by the notice of the meeting, by an adjournment or a by-law or resolution of the council.

Sessions to be public.

**121.** The sessions shall be held with open doors. Until otherwise ordained, in virtue of section 224, each session shall consist of one sitting, unless adjourned.

Duration of session.

**122.** The sessions of the council shall be presided over by the mayor, or in default of the mayor by the pro-mayor, or in default of both by any member chosen from the councillors present, and in the case of the councillors not agreeing, by him who shall be chosen by lot.

The presiding officer of the council shall maintain order and decorum and decide questions of order, saving an appeal to the council.

Decision of disputed questions.

**123.** Every disputed question shall be decided by a majority of the votes of the members present, except in cases where the votes of two-thirds of the members of the council or of the members present are required.

The mayor may give his opinion, but may not vote except in the case of equal division of votes.

The pro-mayor or any other councillor who presides, may vote whenever any question is put to the vote; and, in case of an equal division of votes, he shall in addition have the casting vote.

In case of an equal division of votes, the presiding officer shall be always bound to give the casting vote, giving his reasons therefor if he so please.

Member interested.

**124.** No member of a council shall take part in the discussion of any question in which he has a personal interest. The council, in case of dispute, shall decide whether the member has or has not a personal interest in the question; and such member shall have no right to vote on the question of his interest.

This section shall not apply to the naming of committees.

Voting to be open.

**125.** Members of the council shall not be permitted to vote by ballot; the votes shall be recorded in the minutes of the proceedings of the council, whenever required.

**126.** Any ordinary or special session may be adjourned by the council to any other hour of the same day or to a subsequent day; without it being necessary to give notice of the adjournment to members not present, except in the case of the following section.

**127.** When there is no quorum, any two members of the council may adjourn the session, one hour after the want of a quorum has been established. The hour of adjournment and the names of the members of the council present, shall be entered in the minutes of the sitting, in the book of the proceedings of the council.

In such case a special notice of the adjournment shall be given by the secretary-treasurer to the members of the council not present at the time of the adjournment. The service of such notice shall be established, when the adjourned session is resumed, in the same manner as in the case of the notice summoning a special session, and the absence of service of such notice shall render null all proceedings adopted at such part of the adjourned session.

**128.** The council may appoint committees, composed of as many of its members as it shall judge convenient, and may delegate to them its powers respecting the examination of any question, the management of any business or particular kind of business, or for the execution of certain duties.

The committees shall render account of their labors and their decisions by reports signed by their chairmen or by a majority of the members who compose them; and no report or order whatever of a committee shall have any effect, until it has been adopted by the council at a regular session, save in the case of section 130.

**129.** Every one, who is entitled to be heard before the council or its committees, may be so heard in person or by any other person acting on his behalf, whether authorized by power of attorney or not. He may also produce and examine witnesses.

**130.** The council or its committees, on every question or matter pending before them, may :

1. Take communication of all documents or writings produced in evidence;
2. Summon any person residing in the municipality;
3. Examine under oath the parties and the witnesses produced by the parties, and administer or cause to be administered to them an oath or affirmation by one of their members or by the secretary-treasurer.

Refusal to appear.

**131.** If any one so summoned before the council or the committees fail, without just cause, to appear at the time and place mentioned in the summons, when compensation has been paid or offered to him for his reasonable travelling expenses for going and returning, and fifty cents a day for his time, he shall incur a penalty of not less than four or more than ten dollars, or imprisonment not to exceed fifteen days.

### VIII. OF THE OFFICERS OF THE COUNCIL.

#### 1. General provisions.

Sec.-Treas.

**132.** The council shall always have an officer as keeper of its office and archives, who shall be styled the "secretary-treasurer."

Auditors and valuators.

It shall be also the duty of the council to appoint, in the month of march in each year, one or two auditors and three valuators.

Other officers.

The council, in addition, may appoint all such officers as are necessary to carry into effect its orders and the provisions of the special act and of this act.

Vacancies.

**133.** If the place of any municipal officer become vacant, such vacancy shall be filled by the council without delay.

Substitute.

Every officer appointed to replace another, shall hold office only for the remainder of the time for which his predecessor was appointed.

Removal.

**134.** Every municipal officer may be removed by the council.

Mode of dismissal.

**135.** Every appointment or removal of a municipal officer, shall be made by resolution of the council ; such resolution shall be communicated without delay, by the secretary-treasurer, to the person who is referred to therein.

Oath of office.

**136.** Every municipal officer, who is bound to take the oath of office before entering upon his duties, shall do so within the fifteen days which follow the notice of his appointment. In default of his so doing, he shall be deemed to have refused to discharge the duties of the office to which he is appointed, and shall be liable to the penalties prescribed for such refusal.

He may, nevertheless, until the vacancy caused by his refusal be filled up, enter upon his functions and exercise the same, if he is capable of doing so, without prejudice, however, to the costs of proceedings instituted against him.

**137.** Any certificate, attesting that an oath of office has been taken by any municipal officer, shall be filed, without delay, in the office of the council, by the person who has taken such oath.

**138.** Every municipal officer who has ceased to discharge the duties of his office, shall be bound to deliver up, within eight days next following, to the mayor, or at the office of the council, or to his successor, all the moneys, keys, books, papers, insignia, documents, archives and things belonging to such office.

**139.** If any municipal officer die, or absent himself from the district, his representatives shall be bound, within one month from his death or absence, to deliver to his successor or at the office of the council the moneys, keys, books, papers, insignia, documents, archives and things belonging to the office so held by him.

**140.** The corporation shall be entitled, in addition to any other legal recourse whatsoever, to recover, by process of revendication, from such officer or his representatives, all such moneys, keys, books, insignia, archives or things, with costs, damages and interest.

**141.** The corporation may exercise the same rights and obtain the same remedy against all other persons having in their possession, and refusing to deliver up, such moneys, keys, books, insignia, archives and things.

**142.** Every municipal officer, in whose hands is deposited or filed any document whatsoever, shall be bound, on demand, to give a receipt therefor.

Should the document deposited or filed form part of the archives of the council, it shall be the duty of the municipal officer, with all possible speed, to file it among them.

**143.** Whenever an act must be executed by more than two municipal officers, it may be validly executed by the majority of such officers, save in special cases otherwise provided for.

**144.** The council cannot, in any manner, discharge or exempt its officers from the performance of the duties imposed by the special act or this act, except in particular cases where such power is conferred upon it.

**145.** The council may by resolution establish a tariff of fees payable to municipal officers for their services, whether by persons who shall have required such ser-

vices, or by those on account of whom they shall have been rendered, or by the corporation, in cases in which such fees shall not have been fixed by the provisions of this act.

Any tariff made under this section shall be posted up in a conspicuous place, in the office of the council.

Remuneration by corporation.

**146.** The council may likewise fix the remuneration of municipal officers by the corporation, over and above fees and penalties which they may receive under the authority of this act, or of any other act, or of the by-laws of the council.

Corporation responsible for acts of officers.

**147.** The corporation shall be responsible for the acts of the officers of the council, in the execution of the functions in which they are employed, and also for all damages and interests resulting from their refusal to discharge or negligence in discharging their duties, saving its recourse against such officers.

Officer's liable to Corporation only.

**148.** Municipal officers shall be liable for their acts, or in damages and interests arising from their refusal or neglect to discharge their duties, to the corporation only; save in so far as penalties incurred by them shall be concerned, which penalties may be recovered according to the rules of the third part of this act.

Exception.

## 2. *Of the Secretary-Treasurer.*

Duration of office.

**149.** The secretary-treasurer shall remain in office during the pleasure of the council.

Oath of office; security.

**150.** The secretary-treasurer, before acting as such, shall make oath to discharge well and faithfully the duties of his office, and shall, within thirty days next following, give security in the manner prescribed by this act.

Assistant-secretary-treasurer.

**151.** The secretary-treasurer may, from time to time, appoint under his hand, an "assistant-secretary-treasurer," who may perform all the duties of the office of secretary-treasurer with the same rights, powers and privileges, and under the same obligations and penalties as the secretary-treasurer himself, except as regards giving security.

In the case of a vacancy in the office of secretary-treasurer, the assistant-secretary-treasurer shall continue to perform the duties of the office, until the vacancy is filled.

Oath. Removal.

The assistant-secretary-treasurer shall enter into office after making oath to discharge well and faithfully the duties of such office: he may be removed or superseded at will by the secretary-treasurer.

In the performance of his functions, he shall act under Responsibility, the responsibility of the secretary-treasurer who appointed him.

### § I. SECURITY FURNISHED BY SECRETARY-TREASURER.

**152.** The secretary-treasurer shall furnish either one sureties or two sureties, whose names shall be first approved by resolution of the council.

**153.** The sureties shall bind themselves jointly and severally with the secretary-treasurer towards the corporation, for the due performance of the duties of his office and for the payment of all moneys, for which the latter, in the exercise of his office, may be accountable, whether principal, interest, costs, penalties or damages and interests.

**154.** The security shall be given by deed in authentic form and accepted by the mayor. It must convey a hypothec, for the sum of at least one thousand dollars, on real estate sufficient to guarantee the payment of such sum.

**155.** The sureties of the secretary-treasurer may, at any time, by giving notice in writing of their intention to the secretary-treasurer himself and to the mayor, free themselves from future liability under their bond, at the expiration of thirty days after the service of such notice.

Such notice shall be given and served by a notary or by the surety himself in a writing delivered in presence of one witness who signs.

The secretary-treasurer shall, within thirty days after the service of such notice, furnish other sureties in lieu of those who have withdrawn; in default of his so doing, he shall not discharge any of the functions of his office, under a penalty of twenty dollars for each infraction of this provision.

**156.** Whenever one of his sureties dies, becomes insolvent or fails, the secretary-treasurer shall, so soon as he becomes aware of such fact, inform the mayor in writing thereof; and he shall replace such surety within the thirty days next following, and in default of his so doing, he shall not perform any of the duties of his office, under the penalties prescribed by the preceding section.

**157.** The sureties of the secretary-treasurer, after they are freed from future liability under their bond, or after the secretary-treasurer has ceased to discharge the duties of such office, may exact from the mayor a certificate of discharge for the future, which certificate, after registration,

tion thereof, shall discharge thenceforth the immovables hypothecated by such security-bond.

Discharge of hypothec. **158.** The mayor, on the authorization of the council, may sign the discharge of the hypothec given by the sureties of the secretary-treasurer, in cases where such discharge may be asked and granted.

Guarantee insurance policy. **159.** The security given by the secretary-treasurer, may be, if the municipal council deem it convenient, a policy of a guarantee insurance, in place of a hypothec.

## II. GENERAL DUTIES OF THE SECRETARY-TREASURER.

Keeping of archives. **160.** The secretary-treasurer shall be the keeper of all the books, registers, plans, maps, archiyes and other documents and papers, which are either the property of the corporation, or are produced, filed and preserved in the office of the council. He shall not divest himself of the custody of these archives, except with the permission of the council, or upon an order of a competent tribunal.

Minutes. **161.** He shall attend at all sessions of the council, and draw up minutes of all the acts and proceedings thereof in a register kept for that purpose, and called "register of proceedings."

Approval thereof. All minutes of the sittings of the council shall be approved by the council, signed by the president and countersigned by the secretary-treasurer.

Mentions required. Whenever a by-law or a resolution is amended or repealed, mention shall be made thereof in the margin of the register of proceedings, and opposite such by-law or resolution, together with the date of the amendment or repeal.

Certified copies and extracts. **162.** Copies and extracts certified by the secretary-treasurer from all books, registers, archives, documents and papers preserved in the office of the council, shall be evidence of their contents.

Charge of monies. **163.** The secretary-treasurer shall collect and have charge of all moneys due or payable to the corporation.

Investment of monies. **164.** The secretary-treasurer may deposit in any corporate bank the moneys arising from municipal taxes or dues, or belonging to the corporation, and may allow to remain there, until they are employed in the purposes for which they were levied, or until otherwise disposed of by the council.

He shall be bound to do so, if required by the council or the mayor.

**165.** He shall pay out of the funds of the corporation all sums of money due by it, whenever authorized to do so by the council. If the sum to be paid does not exceed <sup>Payment of monies.</sup> ~~ter~~ dollars, the authorization of the mayor shall be <sup>Autoriza-</sup> ~~ter~~ sufficient.

Even in the absence of authorization from the council or from the mayor, it shall be his duty to pay, out of the funds of the corporation, any draft or order drawn upon him, or any sum demanded, by any one empowered so to do by the provisions of this act, or of the special act, or by the by-laws of the council.

No draft or order can, however, be legally paid, unless the same shall show sufficiently the nature of the use to be made of the sum therein mentioned.

**166.** No secretary-treasurer shall, under a penalty of twenty dollars for each infraction :

1. Grant discharges to rate-payers or other persons indebted to the corporation for municipal taxes or other debts, without having actually received in cash or in lawful value the amount mentioned in such discharges. <sup>Discharges prohibited unless money received, also loans of money.</sup>

2. Lend, directly or indirectly, by himself or by others, to rate-payers or other persons whatsoever, moneys received in payment of municipal taxes or belonging to the corporation.

**167.** The secretary-treasurer's books of account and vouchers for his expenditure, together with all the registers or documents in his possession as archives of the council, shall be open for inspection and examination on office days, between the hours of nine in the morning and four in the afternoon, to members of the council, to municipal officers, to every interested party, and to all rate-payers of the municipality, or their attorneys. <sup>Archives open to inspection.</sup>

**168.** The secretary-treasurer shall be bound to deliver, upon payment of his fees, to any person applying for the same, copies or extracts from any book, roll, register, document or other paper, which forms part of the archives. <sup>Delivery of copies or extracts :</sup>

It shall be also his duty to send, without delay, by mail, to the principal place of business of any corporation or iron railway company, which shall have filed in the office of the council a general application to that effect, and shall have made such principal place of business known, a certified copy of every public notice, by-law, resolution, *procès verbal*, filed for homologation or homologated, which affects such corporation or company, as <sup>To railway companies.</sup>

well as a certified extract, from the valuation roll, including the valuation of the taxable property of such corporation or company, together with a bill of his fees, which the corporation or company shall be bound to pay immediately on receipt of such document.

*Fees.*

His fees, until established under section 145, and unless otherwise fixed by the provisions of this act, shall be ten cents per hundred words, and fifty cents for the certificate.

*Gratuitous copies.*

The secretary-treasurer, nevertheless, shall be bound to furnish gratuitously any copy or extract required by the lieutenant-governor, or by the council or its officers.

*Rendering of accounts.*

**169.** The secretary-treasurer shall be bound to render, once a year, at the time fixed by the council, and oftener if required, a detailed account of his receipts and expenditure.

*Suit en reddition de compte.*

**170.** The secretary-treasurer, or whoever shall have filled the office, may be sued by the corporation to render such account, and may be, in such action, condemned to render account, and, if he render an account, to pay the sum which he shall admit to be due, or which he shall be declared to owe, together with all such other sums as he ought to have debited himself with, or which the court shall hold him accountable for, with interest and the costs of suit.

*Contrainte par corps.*

Every such judgment shall carry with it coercive imprisonment, if the same have been demanded in such action of account.

*Statement to be sent to provincial secretary.*

**171.** The secretary-treasurer shall be bound, between the first and thirty-first days of January, in each year, to transmit to the provincial secretary a return showing :

1. The name of the corporation ;
2. The estimated value of the taxable real estate ;
3. The estimated value of the real estate not subject to taxation ;
4. The number of persons paying taxes ;
5. The rate of assessment in the dollar imposed for all purposes whatsoever ;
6. The value of the property of the corporation ;
7. The amount of taxes collected within the year ;
8. All other sums collected ;
9. The amount of arrears of taxes ;
10. The capital amount due to the consolidated municipal loan fund ;
11. The amount of loans raised by the corporation by means of debentures or otherwise ;
12. The rate and the amount of interest due upon such loans ;
13. All other debts ;

14. The amount raised by loan within the year;
15. The expenditure on salaries, and other expenditure for municipal administration;
16. All other expenditure;
17. The number of persons resident in the municipality.

**172.** All actions, claims or demands against the secretary-treasurer, resulting from his administration, shall be prescribed in five years from the date of the last account rendered by him. Prescription in favor of Sec.-Treas.

**173.** The office of the secretary-treasurer shall be established in the place where the sessions of the council are held, or in any other place fixed, from time to time, by resolution of the council. Office of Sec.-Treas.

**174.** The secretary-treasurer shall perform whatever it is his duty to perform, under the provisions of the law respecting the jurors list and the list of electors of the legislature. List of jurors and electors of legislature.

#### 3. *Of the Auditors.*

**175.** The auditors shall enter on their functions as soon as they are sworn to discharge well and faithfully the duties of their office. Taking office; oath.

They shall remain in office until the entry into office of their successors. Duration.

No one can be appointed an auditor who is unable to read and write. Qualifications.

**176.** The auditors shall be bound once a year, at the time fixed by the council, and oftener if required, to make an examination of, and to report respecting all accounts of the corporation, and all accounts relating to any subject falling within the jurisdiction of the council.

Such report shall include all the financial affairs of the corporation for the twelve months preceding.

#### 4. *Of Valuators.*

**177.** No person shall be a valuator unless he possesses, as proprietor, in the town, either in his own name or in that of his wife, real estate to the value of eight hundred dollars, according to the valuation roll in force. Qualifications.

**178.** Valuators, in the execution of their duty, may demand the services either of the secretary-treasurer or clerk, or any other clerk. May employ.

The secretary-treasurer or clerk, whose services shall have been so required, shall be entitled, for every day

during which he is employed, to a sum not exceeding two dollars, payable by the corporation, on certificate from the valuators who employed him.

Form of oath. **179.** The valuators, before acting as such, shall each take the oath following :

“ I . . . . appointed valuator by the council of the town of . . . . swear solemnly that I shall discharge, with honesty and justice, the duties of the said office, to the best of my judgment and capacity. So help me God.”

#### IX. OF MUNICIPAL NOTICES.

Notices.

**180.** Every notice given, under the provisions of this act, of the special act or of the orders of the council, or for municipal purposes, shall be drawn up, and published or served, in accordance with the formalities prescribed in the following sections.

Special and public notices.

**181.** Every notice, so given, shall be either special or public, and shall be given in writing.

Public notices shall be published ; special notices shall be served.

Copy, by whom certified.

**182.** Every copy of a notice which must be served, published or posted up, shall be attested either by the person who gives such notice, or by the secretary-treasurer of the council.

Certificate of publication or service.

**183.** The original of every notice shall be accompanied by a certificate of publication or of service, made by the person publishing or serving the same.

Filing.

The original of such notice and the certificate which accompanies it shall be filed by the person who has given the notice, in the office of the council, to form part of the municipal records.

Special notice, how served.

**184.** The service of a special notice shall be effected by leaving a copy of the notice with the individual to whom it is addressed, in person, or with a reasonable person at his domicile, or at his place of business even when occupied by him in partnership with some other person ; except in cases where the service is made by mail.

Agent of absent rate-payer.

**185.** Every owner of land or rate-payer, domiciled without the limits of a municipality, may, by a special notice filed in the office of the council, appoint an agent to represent him for all municipal purposes.

**186.** The special notice addressed to an absent proprietor or rate-payer, who has appointed in his stead an agent residing in the municipality, shall be served on such agent, in the same manner as on a resident proprietor. Notice served on agent.

If an agent resident in the municipality, has not been appointed, the notice shall be served by lodging in the post office of the locality, a copy thereof in a sealed and registered envelope addressed to the absent proprietor or rate-payer, or to any other agent he may have appointed.

**187.** No one is bound to give a special notice to any absent proprietor who has not appointed an agent, unless such proprietor has made known his address in writing without agent nor address. by filing the same in the office of the council.

**188.** Special notices cannot be served, except upon juridical days and between the hours of seven in the morning and seven in the afternoon. when to be served.

**189.** If the doors of the domicile or place of business, where service of a special notice should be made, are closed, or if there is no reasonable person therein, service is effected by affixing a copy of the notice on one of the doors of the domicile or place of business. How served in certain cases.

**190.** The intermediate delay, after special notice, shall run from the day on which such notice was served, Intermediate delay. exclusive of such day.

**191.** The publication of a public notice for municipal purposes, shall be made by posting up a copy of such notice, at two different places in the municipality, from time to time determined on by resolution of the council. Publication of public notice.

In default of places determined upon by the council the public notice shall be posted upon or near the principal door of at least one place of public worship, if any there be, and at some other place of public resort in such municipality.

**192.** Every time a notice is ordered to be published in one or more newspapers, such notice shall be inserted in newspapers published at least once a week in the town, if any there be, if not, in newspapers of the district or of the neighbouring district, if no newspapers are published in the first district. In newspapers.

The same rule applies when such notice must appear in two newspapers published in different languages.

**193.** No notice can be inserted in english and in french in newspapers published in one of these languages only. Idem.

Computation of delay.

**194.** Except in case otherwise provided for, the intermediate delay after a public notice shall date from the day on which such notice has been made public; if it is ordered that the notice must be published in a newspaper, the intermediate delay shall date from the day of the first insertion of such notice in the newspaper; if the notice is published in several newspapers, upon different days, the intermediate delay shall date from the day of the first insertion made in the newspaper which shall have published such notice last. In all cases the day on which the notice was made public shall not count.

Public notices as regard absences.

**195.** Public notices shall be applicable to and binding upon proprietors or rate-payers domiciled out of the municipality, in the same manner as upon residents, except in cases otherwise provided for.

When irregular notices become valid.

**196.** Any person who has acquiesced in that which is required by a notice, or who has, in any manner whatsoever, become sufficiently acquainted with its tenor or object, shall not thereafter avail himself of the insufficiency or informality of such notice, or of the omission of its publication or service.

## SECOND PART.

### POWERS OF COUNCIL.

#### I. GENERAL PROVISIONS.

Extent of jurisdiction.

**197.** The council shall have jurisdiction throughout the entire extent of the municipality, and beyond the limits of the municipality in special cases where more ample authority is conferred upon it.

How exercised.

**198.** By-laws, resolutions and other municipal orders shall be passed by the council in session.

Idem.

**199.** The council in the discharge of its functions, shall, in addition to the formalities required by the provisions of this act, fulfil all those prescribed by the special act and by the by-laws in force in the municipality.

Power of Sup. Court to set aside proces-verbal, etc.

**200.** Any *proces-verbal*, roll, resolution or other order of the council, may be set aside by the superior court of the district, by reason of illegality, in the same manner, within the same delay, and with the same effect as a by-law of the council, and shall be subject to the provisions of sections 211 and 221.

**201.** The office of the council shall be that which is occupied by the secretary-treasurer in his official capacity and shall be held within the limits of the municipality. Off. of council.

**202.** Any document, order or proceeding of a council, the publication of which is required by the provisions of this act, or of the special act, or by the council itself, shall be published in the manner and at the places prescribed for public notices, save the cases otherwise provided for. Council acts, how published ed.

**203.** Documents produced as exhibits, and filed in the office of the council or with its officers, shall be returned on receipt to the persons who produced the same, whenever they shall require them, provided always that the question in relation to which they were produced has been decided. Exhibits.

**204.** Every service, which should be made at the office of the council, may be made with equal validity on the secretary-treasurer personally, out of such office. Service upon council.

## II. PROVISIONS APPLICABLE TO BY-LAWS OF THE COUNCIL.

**205.** The original of every by-law, to be authentic, shall be signed by the presiding officer of the council, at the time of the passing of such by-law, and by the secretary-treasurer. Signature to originals.

If such by-law must have been submitted for the approval of the municipal electors before coming into force, and that such approval has been given, a certificate under the signatures of the mayor and the secretary-treasurer establishing the fact, shall accompany the original of such by-law and shall form part thereof. Certificate required.

**206.** The original of every by-law shall be registered at length in a special book entitled : "book of the by-laws of the council of the town of ;" and such entry shall be signed by the mayor and countersigned by the secretary-treasurer. Book of by-laws.

The secretary-treasurer shall further enter in such book, at the foot of every by-law registered therein, a copy certified by himself of the notice of publication of such by-law.

**207.** One and the same by-law may regulate several of the objects mentioned in the provisions of this act or of the special act. By-laws regulating several objects.

In the event of the various objects, with regard to which one and the same by-law disposes, requiring the approval of the municipal electors, one approval alone shall be sufficient for the whole by-law. Digitized by Google

By-laws coming into effect.

**208.** The by-law of the council shall come into effect and have the force of law, if not otherwise provided for in the provisions of the by-laws themselves, fifteen days after the day of publication ; saving always those cases otherwise provided for under the provisions of this act, or of the special act.

Idem.

**209.** The by-laws, which in virtue of their own provisions, or those of this act or of the special act, do not come into force until after the expiration of a certain period, shall be published at least fifteen days before such period.

How published.

**210.** The by-laws shall be published after the passing thereof, or their definitive approval in cases in which they are submitted for the approval of the municipal electors, by a public notice in which mention shall be made of the object of the by-law, of the date on which it was passed, and of the place where communication may be taken thereof.

Such notice shall be given under the signature of the secretary-treasurer, and published in the ordinary manner.

If the by-law is approved of by the municipal electors, the notice of publication shall also mention that such formality has been observed, and the date upon which it was complied with.

Newspapers.

The council may, moreover, publish its by-laws in one or more newspapers.

How long to remain in force.

**211.** By-laws shall be executory and remain in force until they are amended, repealed or annulled by competent authority, or until the expiration of the period for which they have been made.

Repeal of by-laws sanctioned by municipal electors.

**212.** By-laws, which before coming into force and effect have been submitted for the approval of the municipal electors, shall not be amended or repealed except by another by-law approved in the same manner.

How by-laws are to be amended. Notice required.

**213.** The repeal or amendment of any by-law can only be made by means of another by-law ; and before proposing such by-law, it shall be necessary that a notice of motion thereof shall have been given at a previous session.

Annulling of by-laws.

**214.** Any municipal elector in his own name, may, by a petition presented to the superior court or to one of the judges thereof, demand and obtain, on the ground of illegality, the annulment of any by-law of the council, with cost against the corporation.

**215.** The annulment of part only of a by-law may be demanded and obtained in the same way. Partial annulment.

**216.** The petition shall set forth in a clear and precise manner, the reasons alleged in support of the demand, Articulations of petition, etc. and shall be accompanied by a certified copy of the by-law impugned, if such copy could be obtained.

If such copy could not be obtained, the court or the judge, upon application being made to it to that effect, shall order the production thereof by the secretary-treasurer of the council; and the secretary-treasurer shall be for such purpose deemed to be an officer of the court giving such order.

**217.** The petition shall be served at the office of the council, eight days at least, before it is presented to the court or to the judge.

**218.** The rules prescribed in sections 103, 104, 105, 106, 107, 109, and 111, shall apply also *mutatis mutandis* Sections applicable to petition.

to the petition presented in virtue of the four preceding sections.

**219.** The tribunal may, by its judgment annul such by-law, in whole or in part, order the service of such judgment at the office of the council interested, and cause the same to be published either in the manner prescribed for the publication of orders of the council, or in one or more newspapers.

**220.** Any by law or part of a by-law so annulled, shall cease to be in force from the date of the judgment. Effect of annulment.

**221.** The corporation shall be alone responsible for the damages and rights of action which may arise from the putting in force of any by-law or part of a by-law, the annulment of which shall have been so obtained. Damages.

**222.** The right of demanding the annulment of a by-law is limited to three months next after the entry into force of such by-law.

### III. GENERAL POWERS TO MAKE BY LAWS.

**223.** The council shall have the right to make, amend, repeal or substitute, in whole or in part, from time to time, by-laws which refer to itself, its officers, or the municipality, upon any of the subjects following:

1. *Government of the council and its officers.*

**224.** To regulate the manner in which debates are to be carried on, and order and decorum preserved during the sittings of the council or of the committees.

Date and  
length of ses-  
sions.

To determine the period of the ordinary sections of the council and to fix the number of days such sessions may last.

Reading of  
by-laws.

**225.** To order that the municipal by-laws, before the passing thereof, be read two or three times, either on the same or on different days.

Duties of  
officers.

**226.** To define the duties, not defined by this act, of the officers of the council.

**2 Aid in the construction, improvement and maintenance of public works or undertakings not belonging to the corporation.**

Road leading  
to municipa-  
lity; bridges,  
&c.

**227.** To assist by money, granted or lent, in the construction, repair or maintenance of any road leading to the municipality, or of any bridge or public work, under the direction of the corporation of any other municipality.

Colonization  
road.

**228.** To aid in opening up and improving the colonization roads declared by the lieutenant-governor in council to be colonization roads of the second or third class, in which the corporation shall be held to be interested, in virtue of any law concerning colonization roads.

Public works.

**229.** To aid in the construction of any bridge, causeway, pier, wharf, slide, macadamized or paved road, railroad, or other public works, situated in whole or in part within the municipality or in its vicinity, undertaken and built by any incorporated company, or by the provincial government:

1. By taking and subscribing for shares in any company formed for such purpose;
2. By giving or lending money to such company or to the provincial government;
3. By guaranteeing by endorsement or otherwise any sum of money borrowed by such company.

Telegraph  
lines.

**230.** To subscribe for or hold stock in any company formed for the purpose of constructing electric telegraph lines.

Approval of  
electors re-  
quired.

**231.** Every by-law passed in virtue of the two preceding sections, before coming into force and effect, shall be approved by the electors of the municipality who are proprietors, in the manner prescribed in sections 356 and the following to section 360 inclusive.

**232.** By-laws made in virtue of sections 227, 229 and 230, may determine the conditions under which assistance or subscription for shares is authorized.

### 3. *Public markete.*

**233.** To establish, change, abolish or keep in order public markets, or places in which public markets are held ; and to regulate the lease of stalls or stands therein or in their vicinity for the sale or offering for sale, of every description of goods, merchandise or wares, or of any specific commodity.

**234.** To establish and maintain public weigh-houses.

Public weigh-houses.

**235.** To determine and define the duties and powers of all officers employed in superintending public markets and weigh-houses, within the whole extent of the municipality.

**236.** Generally to determine all matters relating to the public markets.

General management.

**237.** To impose a tax on all persons selling on the Tax. high roads, markets or market places of the corporation.

### 4. *Sale of bread.*

**238.** To fix the quantity and quality of each loaf sold or offered for sale in the municipality ; and prescribe the marks which it should bear.

Quality ; quantity ; marks.

### 5. *Sale of intoxicating liquors.*

**239.** To fix a sum not exceeding eight dollars payable for the granting of each certificate to obtain a license authorizing the sale of spirituous, vinous, alcoholic or intoxicating liquors.

Granting certificates.

**240.** To forbid infants, apprentices or servants to frequent inns, hotels, restaurants and shops, in which intoxicating liquors are sold.

Frequenting taverns.

### 6. *Masters and servants.*

**241.** To regulate the conduct of apprentices, servants, hired persons, day-laborers, journeymen, whether they be of age or minors, towards their masters or mistresses, and the conduct of masters and mistresses towards the former.

Masters and servants.

In default of by-laws made under this section, the provisions of the law respecting masters and servants in force in rural municipalities, shall be applicable within the municipality.

In default of by-laws.

7. *Public health.*

Contagious  
diseases;  
boards of  
health.

**242.** To take proper measures for securing the inhabitants of the municipality from contagious or pestilential diseases, or for diminishing the danger or effects resulting therefrom; and to establish one or more boards of health.

Buckets and  
ladders, in  
case of fire.

**243.** To compel the proprietors or occupants of houses or other buildings to provide a fixed number of fire buckets, and to have ladders from the ground to the eaves, and from the eaves to the top of the roof.

Carrying fire  
into certain  
buildings.

**244.** To prevent any person from entering any shed, stable, pig-sty, barn or out-house, with a light not enclosed in a lantern, or with a lighted cigar or pipe, or from carrying into the same any fire without proper precaution.

How fire to be  
lighted there-  
in.

**245.** To prevent any person from lighting or keeping a fire in any out-house, pig-sty, barn, shed or other building, otherwise than in a chimney or a metal stove.

How to carry  
fire.

**246.** To prevent any person from carrying fire over any public street, or in any garden, yard or field, otherwise than in a metal vessel.

Combustible  
or inflam-  
mable sub-  
stances.

**247.** To compel the owners or occupants of barns, hay lofts, or other buildings containing combustible or inflammable substances, to keep the doors thereof shut.

Chimney  
sweeping.

**248.** To compel the owners or occupants of houses to have or permit their chimneys to be swept; to regulate the manner in which such chimneys shall be swept, and the number of times they shall be swept within a given period; to name the sweeps to be employed and to fix the amount payable to the sweeps or to the council.

Sale of explo-  
sive substan-  
ces.

**249.** To determine the precautions to be adopted in the sale of gunpowder or other explosive substance.

Quick lime  
and ashes.

**250.** To regulate the manner in which quick lime or ashes shall be kept or deposited.

Demolition  
in case of fire.

**251.** To authorize certain persons to cause to be pulled down, removed or demolished such buildings as may appear necessary in order to avert the progress of any fire, saving all damages and indemnity payable by the corporation to the proprietors of such buildings, to an amount agreed between the parties, or on contestation to an amount settled by arbitrators.

In the absence of any by-law under this section, the mayor may during the course of any fire, exercise this power by giving a special authorization.

• 252. To authorize the formation and organization of <sup>Fire brigade.</sup> one or more companies of firemen or sappers, and to determine the duties of the members of such companies.

253. To provide for the purchase of fire-engines <sup>Purchase of fire-engines;</sup> or apparatus destined for the same purpose; and generally to adopt measures most calculated to prevent accidents through fire and to avert its progress. <sup>general precautions.</sup>

254. To establish, authorize or cause to be established, <sup>Enquiry into origin of fire.</sup> after each fire in the town, an enquiry into the cause and origin of such fire.

For this purpose the council, or a committee composed of two or more of its members by it authorized, may <sup>Powers to that effect.</sup> summon witnesses, and compel them to appear and give evidence and to examine them under oath to be administered by any one of their members.

255. To construct fire-proof buildings for the reception and storage of oils and other inflammable fluids, liquids or substances. <sup>Depositing of inflammable substances.</sup>

256. To prevent all persons from setting off fire-works <sup>Setting off fireworks, etc.</sup> or crackers, or from discharging fire-arms, or lighting fire in the open air, on the high road or in the neighbourhood of any building, grove or inclosure, or to permit the same under certain conditions.

257. To cause to be demolished and removed all <sup>Dangerous buildings.</sup> walls, chimneys or buildings dilapidated, in ruins <sup>of</sup> likely to fall: and to determine in what time, by whose means, and at whose expense such demolition or removal shall be effected.

258. To prevent the erection of wooden buildings <sup>Wooden buildings, etc.</sup> or fences in the municipality, or in any fixed part thereof.

259. To compel all proprietors or occupants of houses <sup>Snow on roofs.</sup> or other buildings erected on the public street, to remove the snow and ice from the roofs of such buildings or edifices.

#### 9. *Indemnities, relief and rewards.*

260. To indemnify persons whose property has been <sup>Indemnity in case of riot.</sup> destroyed or injured, either wholly or in part, by rioters.

or persons tumultuously assembled, within the limits of the municipality.

**Tax for that purposes.** The council is authorized to levy over and above any other tax, on the taxable property of the municipality, the amount which the corporation may be bound to pay for damages occasioned to property by rioters or persons riotously assembled.

**Recovery in law.** In default of the council paying such damages within six months, according to the decision of arbitrators, the corporation may be sued before any competent court for the damages so occasioned.

**Persons injured at fires.** **261.** To relieve any person who has received any wound or contracted any sickness or disease at a fire.

**Meritorious actions at fires.** **262.** To grant rewards, in money or otherwise, to any person who performs a meritorious action at a fire, or who saves or endeavours to save any one from drowning or from other serious accident.

**Relief to their families.** **263.** To provide for the wants of the family of any person who loses his life at a fire, or while saving or endeavouring to save any one from a serious accident.

**Poor, etc.** **264.** To contribute to the maintenance or support of poor persons residing in the municipality, who, from infirmity, age, or other causes are unable to earn their own livelihood.

**Charitable institutions.** **265.** To establish and maintain poor-houses, houses of refuge, or other establishments for the support and relief of the poor and destitute; and to aid charitable institutions established in the municipality or its neighbourhood.

**Rewards for arrest of criminals.** **266.** To offer and give rewards for the discovery and arrest of persons who have committed criminal offences.

#### 10. *Decency and good morals.*

**Gambling ; gambling houses.** **267.** To suppress every kind of gambling and the existence of gambling houses or houses of ill fame.

**Public exhibitions.** **268.** To prohibit circuses, theatres, or other public exhibitions from being held: to regulate and permit them to be held upon such conditions as may be deemed fit.

**Race, etc., on Sunday.** **269.** To prevent, on sundays and holidays of obligation, races and all other horse or velocipede exercises upon any race course or place whatever.

**270.** To prevent cock fights, dog fights, and every Cock fights, other cruel amusement; and punish whoever takes part <sup>etc.</sup> in or is present at them.

**271.** To prevent the posting up, or the making or <sup>Indecent</sup> placards, writing of indecent placards, paintings, drawings, words <sup>placards.</sup> or inscriptions, upon houses, walls or fences, and on roads or squares.

**272.** To prevent persons from bathing or washing <sup>Public bath-</sup> themselves in public waters, or in the open air, close to <sup>ing.</sup> public roads or squares, or to regulate the manner in which bathing in such places may be performed.

#### 11. *Public nuisances.*

**273.** To compel the proprietors or occupants of houses <sup>Stables, etc.</sup> to clean their stables, cattle-sheds, pig-styes, sheds, privies, and the yards connected with such buildings, and to fix the time and manner in which they shall be drained.

**274.** To prevent the making deposits of or of leaving <sup>Infectious</sup> substances within the municipality, or in the waters which bound the same, substances or matters from whence issue noxious gases or odours, such as dead bodies, coal oil, superphosphate of lime in course of preparation, the contents of privies and the like; and to regulate the mode of making such deposits.

**275.** To cause dogs to be muzzled or tied up; to prevent them being permitted to go at large, or without their masters or other persons to take charge thereof, and to authorize municipal officers to destroy by poison or otherwise vicious dogs or those found contravening municipal regulations.

**276.** To oblige the owners or occupants of all grocer- <sup>Unhealthy</sup> ies, cellars, manufactories, tanneries, drains or other places. unhealthy and fetid places, to keep them clean and render them wholesome.

#### 12. *Sewers.*

**277.** To raise by assessment money sufficient to make <sup>Assessment</sup> for sewers, or repair one or more common sewers in any street of the town, from all the owners of lands situate in such street; to determine the mode of making such sewers and the manner of collecting such taxes; provided always that the majority of such proprietors have by petition requested such assessment.

Stagnant water.

**278.** To compel every owner or occupant of land in the town, on which there is stagnant water, to drain or raise such land, in such manner that the neighbours be not incommoded or the public health injuriously affected.

Unknown or poor proprietor.

If the owner of such land is unknown and has no representative in the town, or if he is too poor to drain or raise the same, the council may order the drainage or elevation of such land, at the expense of the corporation, reserving recourse against the owner.

### 13. *Ditches and water courses.*

Opening and maintenance.

**279.** To cause to be opened, dug, enlarged, covered and maintained any ditch necessary for drainage, or any boundary or division ditch or any water course situate in the town or beyond the limits thereof, as the council may judge advisable.

To determine the time and manner of making such works, as also the persons of the town by whom or at whose expense, the same shall be made.

Tax for that purpose.

**280.** To levy, if the works are to be executed at the joint expense of the parties interested, on the proprietors of the lands situate within the town and drained by the ditch or water course, the sums required for such works, according to the estimated value of such lands or the length of the ditch or watercourse upon the same; and to determine the mode of collecting and levying the taxes so imposed.

Penalties:

**281.** To impose penalties on any person obstructing, deranging, or suffering the obstruction or derangement of ditches or watercourses, or refusing to make or suffer to be made the works ordered by the inspector under the by-laws.

Carry on works at expense of corporation.

**282.** To carry on at the expense of the corporation, for a determined or undetermined period, all works on ditches or watercourses.

### 14. *Public highways.*

Opening and maintenance of streets.

**283.** To order the opening of new streets and the enlargement or alteration of existing streets.

To prescribe the mode of construction and of repairing of the streets of the town, at the cost of the corporation or of the owners of adjacent lands, as the council may deem advisable, and according to such plans and conditions as it shall deem suitable.

**284.** To determine and change the alignment and Alignment, the height or level of the streets or sidewalks of the etc. town provided always that if any person suffer damage thereby, he shall receive compensation to be settled by arbitrators.

**285.** To open, enclose, embellish, improve and main- Public tain, at the costs and charges of the corporation, squares, squares, parks, or public places, of a nature to conduce to the health and well being of the inhabitants of the municipality.

**286.** To oblige the proprietors of land situated on Sidewalks, any road, street, square or public way, established in the municipality, to make and maintain in front of their properties, sidewalks of wood, stone or other substance fixed upon, either throughout the whole municipality or only through a part thereof.

To determine the manner of making or maintaining such sidewalks, and even do so at the expense of the corporation.

**287.** To compel the proprietors or occupants of houses Encroach- to remove from streets or public squares all encroachments ments or pro- jects, or projections of any kind, such as steps, galleries, porches, posts, gates opening upon the public way or other obstacles.

**288.** To oblige every proprietor or occupant of land to Removal of remove the snow from the sidewalks skirting such land, snow. within a fixed delay.

**289.** To levy by assessment funds sufficient to sweep, Clearing of water, and keep clean any street, or public square, or to streets. remove the snow therefrom, upon all proprietors or occupants resident in such street or public square, provided that the majority of such persons have asked for it by petition.

**290.** To prevent the road being blocked up in any Blocking up. manner whatever.

**291.** To prevent vehicles being driven at too rapid a Rate of speed rate, or persons riding on horseback or on velocipedes, or for vehicles. in any other vehicle, over or upon the sidewalks.

**292.** The council shall be bound to provide that the Responsibility- roads, streets, sidewalks and public ways, save and ty of council. except roads under the control of trustees, be kept in constant good order ; and the corporation shall be responsible in damages for the bad state of such roads, streets, sidewalks, and other public ways.

Granting  
licenses.Carters'  
tariff.Services obli-  
gatory.Manner ;  
penalty.Laying pipes,  
etc.Division of  
municipality  
into wards.Numbering of  
houses.

Police.

15. *Carters.*

**293.** To authorize the granting of licenses to carters, owners and drivers of vehicles for public hire in the town ; to compel such persons to take out an annual license, and to determine everything relating to the better government of carters and their vehicles of public hire.

**294.** To establish a tariff of fares payable to carters for their services ; to compel the latter not to exact higher fares than those settled by the tariff, and to punish every person who hires, engages, or employs a carter and refuses to pay him according to the tariff.

**295.** To compel all carters under license, to give their services to any person asking the same, at the tariff rates.

16. *Lighting of the town.*

**296.** To provide for the lighting of the town in any manner deemed advisable ; and to punish any person extinguishing without authority the lamps provided for such lighting.

The proprietors or occupants of houses, buildings or lands in the town, shall be bound to permit the necessary pipes, lamps and posts to be placed on their houses, buildings or lands, saving recourse in damages if damage is occasioned thereby.

17. *Miscellaneous provisions.*

**297.** To divide the municipality into as many wards as is deemed expedient for the purposes of representation in the council, if the special act has not made such division ; and to fix the number of councillors to be elected for each ward, provided that the total number be the same as that determined by the special act.

To revise or alter the boundaries of the different wards of the town.

**298.** To cause the houses and lots of the town to be numbered ; to compel every proprietor, tenant or occupant to allow numbers to be affixed on their houses or lots, as also the name of the street or square.

**299.** To control, arm, lodge and dress a police force in the town, and to determine the duties of the men of such police.

**300.** To erect in the municipality, if the prison of the Lock up district be not in such municipality, a lock-up house for <sup>house.</sup> the temporary custody of any person under arrest.

**301.** To establish one or more public pounds for the Public keeping of animals of all kinds found straying in the pounds. town ; and to establish a tariff of penalties and dues, to be paid towards the public pounds of the town.

**302.** To oblige the proprietors of lands in the town, or Fences. their representatives, to fence such lands, and to fix the level and height of the fences, as also the strength and substance of the materials used in them.

**303.** To oblige the proprietors of lands or their repre- Trees. sentatives to plant, keep and maintain constantly in good order, trees in front of their properties ; and to determine the kind of such trees.

**304.** To aid, by all means deemed advisable, the Colonization. colonization of the province : and agriculture, horticulture, art and science, in the municipality, or within the limits of the agricultural society, within which such municipality is situated.

**305.** To authorize the confiscation for the benefit of Confiscation the poor of the municipality, of any article offered for <sup>for benefit of</sup> poor. sale or sold or delivered, in contravention of by-laws made in virtue of this act, or of the special act.

**306.** To establish, control and maintain public wells Public wells. in the municipality.

**307.** To authorize the officers of the council to visit Inspection of and examine all movable or immovable property, as houses, etc. also the interior or exterior of any house, building or edifice whatsoever, to ascertain if the by-laws of the council are executed in respect thereto ; and to compel the owners or occupants of such properties, buildings and edifices to admit the officers of the council.

**308.** Generally the council may, from time to time, General make, amend, substitute or repeal by-laws for the powers. improvement, the internal administration and the government of the town.

**309.** The council may also, from time to time, amend, Power to replace, repeal, in whole or in part, all by-laws or amend or repeal old by-ordinances made by the municipal councils which have laws. had the government of the territory comprised within

the town, and which shall have, through the special act, been continued in force within the bounds of such territory.

#### IV. WATER SUPPLY.

**310.** The council may, from time to time, make, repeal or amend by-laws :

- **1.** To provide for the establishment, maintenance and management of water-works, public wells, cisterns or reservoirs, to supply water to the town ;
- 2.** To prevent the public water being fouled or expended uselessly or contrary to municipal by-laws ;
- 3.** To restrict the use of such water as circumstances may in the opinion of the council, render the same necessary ;
- 4.** To prevent any person from giving such water to, or permitting it to be taken by, any person from whom the council has cut it off.

**Tax for that purpose.**

**311.** The council may, by by-law, with the object of meeting the interest on all the sums expended in the construction of water-works, and of establishing a sinking fund, impose on all the owners or occupants of houses, shops or other like buildings, a special annual tax not exceeding the rate specified in the special act, on the assessed value of each such house, shop or building, including therein the land.

The sinking fund created by virtue of this section, shall be invested and managed in the same manner as stated in relation to the fund of section 349.

**To be levied even on proprietors not availing themselves of the water-works.**

**312.** Such tax shall be imposed and levied even in the case of the proprietors or occupants not availing themselves of water from the water-works ; provided that the corporation has notified such proprietors or occupants, that it is prepared, at its own expense, to bring the water into or near their respective houses, shops or buildings.

**Additional compensation.**

**313.** The council may, by by-law and over and above the special tax, cause to be paid a compensation calculated according to such tariff as it shall deem meet, by every proprietor, tenant or occupant of any house, shop or like building, whether or not the latter avail themselves of the water ; provided always that it has caused a notice to be served on them, to the effect that it is prepared to conduct the water at its own expense into or near their houses, shops or buildings.

**If a proprietor has several tenants.** Every proprietor having one or more tenants, sub-tenants or occupants, shall be liable for the payment of

such compensation, in the event of his refusing or neglecting to furnish a distinct and separate supply pipe to such tenant, sub-tenant or occupant.

**314.** The council may make special agreements with Water for respect to supplying water to steam engines, breweries, steam en- distilleries, tanneries, manufactories, mills, livery stables, gines, etc. hotels, as also in other special cases.

**315.** The special tax and the compensation imposed Levy of tax by sections 311 and 313, shall be levied according to the and compen- sation. rules and in the manner prescribed for general taxes.

**316.** The council may also make special agreements Water out- side of muni- for the supply of water, beyond the limits of the munici- pality, provided that the persons with whom such agree- ments are made, comply with the by-laws respecting the management of the water-works.

**317.** The council may oblige the owners of lands Water out- side of muni- situate within the municipality or beyond its limits to permit the work necessary for the construction and necessary works for aqueduct. maintenance of the water-works to be executed upon their properties, saving indemnity for damages *bona fide* sustained and settled by arbitrators.

A plan indicating the manner in which properties shall Plan. be traversed by pipes, shall be prepared and previously submitted for the approbation of the lieutenant-governor in council.

**318.** The officers appointed for the administration of visits of exa- mination. the water-works may enter into any house or building whatsoever or upon any property whether situated within or without the limits of the town, for the purpose of satisfying themselves as to the waste of water or as to the by-laws relative to the water-works being faithfully carried out.

It shall be the duty of the owners or occupants of any such house, building or property to suffer the officers to make such visit or examination. The water may be cut off from any person refusing to receive the officers while such refusal continues.

**319.** The council may cut off the water supply from Water cut off. any person refusing or neglecting to pay the special tax or compensation for the use of the water, as also from all persons who allow the water to be wasted.

**320.** The persons from whom water shall have been Taxes &c. cut off, for any of the reasons mentioned in the two exigible preceding sections, shall, however, remain liable for the

payment of the special annual tax and of the compensation fixed for the use of the water, as fully as if they availed themselves of the water.

*Quantity not to be guaranteed.* **321.** The corporation shall not be bound to warrant the quantity of water to be supplied under the authority of this act, and no person shall refuse, on account of the insufficiency of the water supply, to pay the annual special tax and the compensation for the use of the water.

*Rights of council, to be transferable.* **322.** The council may, by by-law, transfer its rights and powers respecting the water supply, to any company willing to undertake the same, provided that such company shall not exact, for the use of the water, rates higher than those approved or determined by by-law of the council.

#### V. VALUATION ROLL.

*Annual valuation.* **323.** It shall be the duty of the valuators in office, to make annually, at the time and in the manner ordered by the council, the valuation of the taxable property of the municipality, according to real value.

They shall also make the valuation of the annual value of such property, and shall enter it, in the roll, in a separate column.

*Entry in roll.* They shall also enter in the roll the names of tenants and the amount of annual rent paid by each of them.

*Other entries.* **324.** The valuators shall enter on the roll all other information required by the council.

*Properties not taxable.* **325.** The following property shall not be taxable :  
1. Property belonging to Her Majesty, or held in trust for her use, and property owned or occupied by the corporation of the municipality;

2. Property owned or occupied by the federal or the provincial government;

3. Property belonging to *Fabriques*, or religious, charitable, or educational institutions or corporations;

4. Burial-grounds, bishops' palaces, parsonage-houses, and their dependencies;

5. All property belonging to railway companies, receiving a grant from the provincial government, for the whole time during which such grant is accorded.

*Statement to be transmitted by certain railway companies.* **326.** Every iron railway company or wooden railway company other than those mentioned in the fifth paragraph of the preceding section and possessing real estate in the municipality, shall transmit to the office of the

council, in the month of May in each year, a return showing the actual value of their real estate in the municipality other than the road, and also the actual value of the land occupied by the road estimated according to the average value of land in the locality.

Such return must be communicated to the valuators by the secretary-treasurer, in due time.

**327.** The valuators in making the valuation of the taxable property in the municipality, shall value the real estate of such company, according to the value specified in the return given by the company. Valuation of their estate.

If such return has not been transmitted in the time prescribed, the valuation of all the immovable property belonging to the company shall be made in the same manner as that of any other rate-payer.

**328.** If the owner of land is unknown, the valuators shall insert the word "unknown", in the column of names of owners, opposite the description of such land. Owner unknown.

**329.** The valuation roll shall be signed by at least two of the valuators who drew it up or caused it to be drawn up, and by the secretary-treasurer or any other person whom they employed as clerk. Who shall sign roll.

**330.** The valuators shall lodge the valuation roll in the office of the council, immediately after its completion, and notice of such deposit shall be given by the secretary-treasurer, in the two days following. Deposit; notice.

The notice shall further state that the roll will remain open to the examination of the parties interested, or their representatives, for the thirty days next after that of the deposit thereof.

**331.** During such space of time, any person who deems himself aggrieved by the roll as drawn up, personally or for another, may appeal therefrom to the council, by giving to that end a written notice to the secretary-treasurer stating the grounds of his complaint. Appeal to council. Notice.

**332.** The council at its first general session, after the expiration of the thirty days mentioned in section 330, shall take into consideration and decide all the complaints made under the preceding section.

After having heard the parties and their witnesses, under oath, administered by its presiding officer, as also the valuators if they wish to be heard, the council shall maintain or alter the roll, as to it shall seem meet. Decision of council.

**333.** In all cases, it shall be the duty of the council to proceed at such session, to the revision and homologation. Revision and homologation.

of the roll, whether it be complained of or not. It may also make any correction in the style of the drawing up thereof.

Declaration  
of homologa-  
tion.

**334.** At such session, or so soon thereafter as all the complaints filed shall have been decided, the council shall declare the roll homologated ; and the roll so homologated shall be in force, until the entry into force of a new roll.

Property  
omitted.

**335.** If there be an omission of any property in the roll prepared by the valuators, the council may order such officers to value such property and add it to the roll.

In such case the roll shall not be homologated until special notice of eight days, in relation to such addition, has been given to the proprietor, who may, within such delay, file his complaint against the valuation, and be heard before the council at the time of such homologation.

Default or  
delay to act.

**336.** The default on the part of the valuators or of the council to act within the time prescribed, shall not have the effect of preventing the completion or homologation of the roll, beyond the time prescribed.

Change of  
owners.

**337.** After every change of owner or occupant of any land set forth in the valuation roll in force, the council, on a written petition to that end, and after sufficient proof, may erase the name of the former owner or occupant, and inscribe on such roll the name of the new one.

Roll set aside.

**338.** Whenever the valuation roll shall have been set aside under section 200, the former roll shall revive and avail until a new valuation roll come into force.

Roll of a  
new town.

**339.** In any town municipality newly organized, the valuation of the taxable property of the territory which is constituted into such town, shall continue to be in force ; and the valuation roll of such property, or an extract therefrom, as the case may be, shall be the valuation roll in force of the taxable property of the town, until one be drawn up in accordance with this act.

## VI. LIST OF MUNICIPAL ELECTORS.

When to be  
made.

**340.** Within the thirty days next after the day on which a new valuation roll shall have come into force, the secretary-treasurer shall make, for each ward or for

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the town if the town is not divided into wards, an alphabetical list of the names of the persons, who according to such roll appear to be municipal electors.

**341.** After having drawn up such lists, and certified To be deposited in office of their accuracy at the foot thereof, the secretary-treasurer council. shall deposit them in the office of the council.

He shall forthwith give public notice stating that such Notice. lists are filed in his office, and they shall there remain open to the examination of parties interested and their representatives, during the fifteen days next after the date of such notice.

**342.** In such space of fifteen days, any person having Complaint. any ground of complaint in respect of such lists or of any one of them, personally or for another, may complain thereof, by giving to that end, a written notice to the secretary-treasurer specifying the grounds of his complaint.

**343.** On the evening of the last of the fifteen days Board of revision mentioned in section 341, a board of revisors composed of three councillors, previously to that end appointed by the council, shall proceed to the revision and amendment, if there be occasion, of the lists in the office of the council.

Such three revisors shall act together under their oath of office as councillors, and under the chairmanship of one of them.

The secretary-treasurer shall act as secretary of the revisors.

**344.** The board of revisors at such meeting or at any Trial of complaints; decision of revisors. subsequent adjournment thereof, shall take into consideration the complaints filed under section 342, shall hear the parties interested, shall examine them together with their witnesses, under oath administered by the chairman, and shall maintain the lists or make the necessary additions and corrections thereto.

It may correct any errors and supply any accidental omissions made in such lists.

**345.** The revisors shall not hear any complaint not Complaint not made in writing, in accordance with section 342.

**346.** The name of no person shall be struck from any Name struck from list. list, before he shall have been notified of the application to that end, and has had an opportunity of being heard before the revisors.

**347.** The lists so revised shall be signed by the Signatures to chairman of the board of revisors, countersigned by the list. secretary-treasurer and sealed with the seal of the council.

Duration.

Such lists, to the exclusion of all others, shall be in force up to the entry into effect of the new lists drawn up in virtue of these provisions.

List annulled.

Whenever the list, or any of the lists in force, shall have been annulled under section 200, the old list shall come again into force, and shall remain so until the entry into force of a new list.

## VII. OF LOANS.

General powers.

**348.** The council may borrow, from time to time, various sums of money, for the purpose of improvements in the town, and generally for all objects within the scope of its authority.

Interest; sinking fund.

**349.** Whenever the council shall contract a loan, it is enjoined to immediately provide, from and out of the revenues of the corporation, for the payment of the annual interest, and for the establishment of a sinking fund of at least one per cent per annum, for each such loan.

The annual rate of interest shall in no case exceed the legal rate of interest in this province.

Investment of sinking fund

**350.** The sinking fund may be invested in the purchase of public property belonging to the dominion or to the province, or in the redemption of bonds issued by the corporation, or may be deposited in an incorporated bank.

The council may, if the lenders consent to it or require it, deposit in their hands, the sums intended for such sinking fund. In such case the receipts given to the council shall be so drawn as to define what amount shall have been given for interest, and what amount shall have been paid into the sinking fund.

Issue of debentures.

**351.** The council may contract its loans by an issue of debentures, under the signature of the mayor, and countersigned by the secretary-treasurer, and bearing the seal of the corporation.

Such debentures may be made payable to bearer, at the periods fixed by the council, with interest payable on the first days of May and November in each year, at any rate of interest not exceeding the legal rate.

Coupons.

**352.** Coupons to the amount of the half yearly interest, signed by the mayor and countersigned by the secretary-treasurer, and payable to bearer, at the period the interest specified therein shall fall due, may be annexed to each debenture.

At the time of payment, the coupons shall be handed to the secretary-treasurer; and the possession by such officer, of any coupon, shall be *prima facie* evidence that the half-yearly interest specified therein has been paid.

**353.** The principal and interest of every debenture issued by the council, shall be secured by and out of the general fund of the corporation.

**354.** Town loans, whether by the issue of debentures or otherwise, shall only be made on a by-law of the council to that effect approved by a majority in number and in real value of the proprietors who are municipal electors.

**355.** When the interest and the sinking fund of the sums borrowed by the corporation shall absorb half the revenue of the town, the council shall not in any case contract a new loan, without having been specially authorized thereto by this legislature, and moreover without having obtained the approval of the majority in number and in real value of the proprietors who are municipal electors.

Any by-law authorizing a loan by virtue of this section shall levy a special annual tax which shall be sufficient for the payment of the interest for each year, and of one per cent. per annum at least as sinking fund, until the debt is extinguished.

**356.** Every by-law authorizing a loan shall be submitted for approval by such electors, within thirty days after the council has passed the same.

**357.** For such purpose, a meeting of all municipal electors who are proprietors, shall be convened by a public notice, signed by the mayor, on a day fixed by the council.

Such meeting shall be presided over by the mayor; and the secretary-treasurer shall act as secretary.

Six electors present, qualified to form part of such meeting, may require the holding of a poll, for the purpose of ascertaining whether the by-law is approved or disapproved; and on such demand, the mayor shall fix, within the eight days next ensuing, a day for the opening and holding of the poll.

**358.** The poll shall be held and presided over by the mayor, with the assistance of the secretary-treasurer. It shall be held for two consecutive juridical days, from ten o'clock in the morning until five o'clock in the afternoon.

Manner of voting.

**359.** Each elector shall come forward in his turn and shall vote by "yea" or "no", the word "yea" signifying his approval of the by-law, and the word "no" his disapproval thereof.

Right to vote.

**360.** No person shall be admitted to vote unless his name be entered on the list of municipal electors as a proprietor, or if no such list exist, unless it appears by the valuation roll in force that he is a municipal elector and a proprietor.

In such case it shall not be necessary that municipal electors have paid their municipal and school taxes.

Counting of votes.

**361.** At the close of the poll, the mayor shall count the "yeas" and the "nays"; and within the four days following, he shall lay before the council the result of the voting, together with a statement showing the value of the taxable real estate of each of the voters, according to the valuation roll in force.

A certificate shall be given, under the hand of the mayor and of the secretary-treasurer, for the information of the council, whether the majority in number and taxable real value approve or disapprove such by-law.

If the council desire to examine the poll books, they shall be forthwith laid before it.

In the case of an equal division of votes, the mayor shall give his casting vote.

Deposit of poll books.

**362.** The poll-books, together with the statement and certificate produced, shall be deposited in the archives of the council.

## VIII. OF TAXES AND THEIR COLLECTION.

Revenues.

**363.** The revenues of the council shall be those which it may establish for its own purposes, by means of the taxes which the special act authorizes it to levy.

General funds.

**364.** All sums of money not specially appropriated shall form part of the general funds of the corporation.

Whenever any sum levied shall exceed in amount the sum required by the council to meet the liabilities for which such sum was raised, the surplus shall belong to the corporation and fall into the general fund thereof.

Employment.

**365.** All sums of money forming part of the general fund of the corporation, may be employed for any purpose within the scope of the council.

Exemption from or com-

**366.** The council may, by a resolution, exempt from the payment of municipal taxes, for a period not exceeding

twenty years, any person who carries on any industry, <sup>mutation of taxes.</sup> trade, or enterprise whatsoever, as well as the land used for such industry, trade or enterprise, or agree with such person for a fixed sum of money payable annually for any period not exceeding twenty years, in commutation of all municipal taxes.

It may also exempt the poor of the municipality and their property from the payment of municipal taxes.

Such exemption or agreement shall not extend to work <sup>Exception.</sup> upon water-courses, boundary ditches, fences or front roads connected with taxable property so exempted or commuted.

**367.** The council may, whenever it shall deem the <sup>Additional</sup> same advisable, by resolution, authorize the secretary- <sup>taxes.</sup> treasurer or any other officer, to add to the amount of all taxes to be levied, on taxable property in the municipality, a sum not exceeding ten per cent to cover losses, costs and bad debts.

**368.** Taxes shall bear interest, at the rate of six per <sup>Taxes to bear interest.</sup> cent per annum, from the expiration of the delay during which they ought to be paid, without its being necessary for such purpose that a special demand of payment be made. Neither the municipal council nor its officers shall remit such interest.

**369.** All municipal taxes and the interest due thereon <sup>Taxes to be privileged.</sup> shall be privileged debts exempt from the formality of registration.

**370.** All municipal taxes, imposed on any land, may <sup>Parties to be held to pay taxes.</sup> be collected from the tenant, occupant or other possessor of such land as well as from the owner thereof, or from any subsequent purchaser of such land, even when such tenant, occupant, possessor or purchaser is not entered on the valuation roll.

**371.** Any person, not being the proprietor, who shall <sup>Subrogation.</sup> pay municipal taxes imposed in consideration of the land which he occupies, shall be subrogated, without other formality, in the privileges of the corporation on the movable or immovable property of the proprietor, and may, unless there be an agreement to the contrary, withhold from the rent or from any other debt which he owes him, or recover from him by personal action, the amount which he has paid in principal, interest and costs.

**372.** The council shall, on the requisition of the school <sup>Collection of school tax.</sup> commissioners or trustees of any school municipality, situated within the limits of the municipality, accept the <sup>Google</sup>

school assessment roll or the certified extract therefrom presented by them, and order the secretary-treasurer to collect such taxes, in the same manner and at the same time as municipal taxes.

General collection roll.

**373.** It shall be the duty of the secretary-treasurer to make a general collection roll, each year, at the time fixed by the council, including all taxes both general and special, then imposed under any provision of this act or of the special act.

Special roll.

He shall also make a special collection roll, whenever any special tax has been imposed after the making of the general collection roll, or whenever he is ordered so to do by the council.

Collection of school taxes.

**374.** If the municipal council has ordered, by resolution, that the collection of school taxes be made at the same time and in the same manner as municipal taxes, the secretary-treasurer shall enter, on the general collection roll, the amount of such taxes, collect them and remit them forthwith to the secretary-treasurer of schools.

Notice of deposit of roll.

**375.** The secretary-treasurer, after having completed the collection roll, shall give public notice in which he shall announce that the general collection roll, or the special roll; as the case may be, has been completed and deposited at his office, and shall require all persons liable for the payment of the sums therein mentioned, to pay the same at his office, within the twenty days following the publication of such notice.

Demand of payment; statement of account.

**376.** At the expiration of such delay of twenty days, the secretary-treasurer shall make a demand of payment of all sums entered in the collection roll and remaining uncollected, from the persons liable for the same, by serving or causing to be served upon them personally or at their domicile, a special notice to that effect, accompanied by a detailed statement of the sums due by them.

Fee.

Until the fee for the service of such notice is fixed by the council, the secretary-treasurer shall be entitled to twenty-five cents for the service of such notice.

Seizure and sale of movables.

**377.** If after the fifteen days next following the demand made in virtue of the preceding section, the sums due by the persons entered on the collection roll have not been paid, the secretary-treasurer may levy them together with costs, by seizure and sale of the goods and chattels of such persons which may be found in the municipality.

Warrant to that effect.

**378.** Such seizure and sale shall be made under a warrant signed by the mayor, addressed to a bailiff, and

executed by that officer, under his oath of office, according to the same rules and under the same responsibilities and penalties as a writ of execution *de bonis* issued by the circuit court.

The mayor, in giving and signing such warrant, shall not incur any personal responsibility ; he shall act under the responsibility of the corporation.

**379.** If the debtor is absent, or if there is no person to open the doors of the house, cupboards, chests or other closed places, or in the event of refusal to open the same, the seizing officer may, by an order of the mayor or of any other justice of the peace, be empowered to cause the same to be opened by the usual means, in presence of two witnesses with all necessary force, without prejudice to coercive imprisonment, if there be refusal, violence or other physical obstacle.

**380.** The sale on such warrant shall not be stopped, except on an order of a judge of the superior court, made on petition presented either in chamber, or to the circuit or superior court.

**381.** All arrears of municipal taxes, shall be prescribed by three years.

**382.** The payment of municipal taxes may be also claimed by an action brought in the name of the corporation, before the magistrate's court, or the circuit court for the county or district, or before the mayor, or two or more councillors acting *ex officio* as justices of the peace.

**383.** If the taxes imposed on one or more immovables have not been paid within the six months next after the notice of deposit of the roll, because the person bound to pay them does not reside in the town, or if he reside therein, because sufficient movable property to him belonging have not been found therein, the mayor may, with the authorization of the council, issue under his hand and the hand of the secretary-treasurer a warrant specifying the amount of taxes due, and ordering the sheriff of the district to seize and sell the immovables therein described, and in respect of which such taxes are due.

**384.** The sheriff shall be bound to execute such warrant, by observing the same formalities and with the same effects, as in the case of a writ *de terris* ; and all proceedings subsequent to the issue of the warrant by the mayor shall take place in the superior court of the district.

## IX. INFILCTION OF PUNISHMENT.

Fine or imprisonment.

**385.** The council may, in any by-law made under the provisions of this act or of the special act, enact the imposition of punishment, by fine or imprisonment for enforcing any such by-law, provided that the fine does not exceed the sum of twenty dollars, and that the imprisonment be for a period not exceeding thirty days at the court's discretion.

Such penalties shall not be ordered by the court unless they are enacted by each by-law to which they relate.

## X. EXPROPRIATION FOR MUNICIPAL PURPOSES.

Right of expropriation.

**386.** The council may, in complying with the provisions following, appropriate any land required for the execution of works ordered by it within the scope of its jurisdiction.

Consent of certain proprietors required.

**387.** The council shall not, without the consent of the proprietor, expropriate the properties following:

1. Property belonging to Her Majesty, or held in trust for her use;
2. Property occupied by the federal or provincial governments;
3. Property possessed or occupied by railway companies, *fabriques*, or religious, charitable or educational institutions or corporations;
4. Gemeteries, bishops' palaces, parsonages, and their dependencies.

Idem.

**388.** The council further shall not without the consent of the owner, in any manner injure any canal, or the dam of any mill or manufactory, nor divert the course of the water which feeds such canal, mill or manufactory.

Indemnity.

**389.** The indemnity to be paid for any land liable to expropriation may be fixed and established by agreement between the council and the proprietor thereof, if he is of age and in possession of civil rights; and it may also be agreed that no indemnity shall be accorded to the expropriated proprietor.

Appointment of arbitrators.

**390.** In the absence of an understanding between the parties, or if the proprietor is a minor and has not the exercise of his civil rights, the value of the land in question, together with whatever goes in compensation against the value of such land, shall be estimated by arbitrators named as follows: one by the council, one by the proprietor or on his part, and a third by the two former, or if they cannot agree, on demand of any of the interested parties, by a judge of the superior court.

**391.** The arbitrators shall proceed at the time and <sup>Proceedings.</sup> place fixed by them, and of which they shall have given at least ten days special notice to the parties interested.

The arbitrators, after having examined and valued the land and heard the parties and their witnesses, under an oath administered by one of them, if they deem it expedient, shall give their decision by means of a certificate signed by them or by the majority of them, and <sup>Final decision.</sup> which they shall file in the office of the council.

Such decision shall be final and without appeal.

**392.** In any decision rendered by them, the arbitrators <sup>What to</sup> shall mention the lot whereof the land taken forms part, <sup>contain.</sup> shall name the owner of such land, and also the by-law or order of the council under which such land is taken, and shall fix the amount of the indemnity, if they grant an indemnity, or in the contrary case shall establish the refusal thereof.

**393.** On payment or lawful tender of the amount of <sup>Entry into</sup> the indemnity agreed upon or accorded, or on the deposit <sup>possession by</sup> thereof under section 394, the corporation shall be <sup>corporation.</sup> entitled to take possession of the land.

If such taking possession is resisted or opposed by any person, any judge of the superior court, <sup>on</sup> proof of the decision of the arbitrators, and of the payment, or tender, or deposit, as the case may be, may issue his writ addressed to any bailiff or to the sheriff, in order to have the corporation placed in possession of such lot and to cause all resistance or opposition to cease, all which the bailliff or sheriff shall accomplish, providing himself to that end with the assistance required.

<sup>In case of</sup>  
<sup>resistance.</sup>

**394.** If the expropriated proprietor is unknown, or if <sup>Ratification</sup> the council through apprehension of future claims or <sup>of title.</sup> through other motives, deems it advisable so to act, the amount of the indemnity together with six months interest thereon, shall be deposited at the office of the prothonotary of the district, together with a copy of the deed of accord, or of the decision of the arbitrators; and proceedings shall be taken for the ratification of such deed or decision, by following the same procedure and with the same effect, as in ordinary applications for ratification of title.

### THIRD PART.

#### SPECIAL PROCEEDINGS.

##### I. EXECUTION OF JUDGMENTS RENDERED AGAINST THE CORPORATION.

**395.** Whenever a copy of a judgment, condemning the <sup>Payment on</sup> corporation to pay a sum of money, shall have been <sup>service.</sup>

ved at the office of the council, the secretary-treasurer shall forthwith pay the amount thereof out of the funds at his disposal, on the authorization of the council or of the mayor, according to the rule laid down in section 165.

Levy, in  
default of  
funds.

**396.** If there are no funds, or if those at the disposal of the secretary-treasurer are not sufficient, the council shall immediately after the service of the judgment of the court, order the secretary-treasurer, by resolution, to levy on the taxable property of the municipality, a sufficient sum to pay the amount due with interest and costs.

Delay to  
that effect.

**397.** The tribunal which shall have rendered the judgment may, on petition to that end presented either in term or in vacation, grant, from time to time, to the municipal council, any delay which it shall deem necessary to levy the amount of moneys required.

Writ of  
execution.

**398.** If the judgment has not been satisfied within two months after the service thereof at the office of the council, or at the expiration of the delay granted by the court or agreed upon by the parties, the person in whose favor such judgment was rendered, may, on producing the return of the service of such judgment at the office of the council, and on a requisition in writing for such purpose, obtain the issue of a writ of execution from the court against the corporation, returnable before the same tribunal so soon as the amount of the judgment and costs has been levied.

Form and  
contents of  
writ.

**399.** Such writ shall be attested and signed by the clerk or prothonotary, sealed with the seal of the court, and addressed to the sheriff of the district in which such municipality is situated, who shall be enjoined by the same among other things :

1. To levy from the corporation, with all possible dispatch, the amount of the debt with interest and costs of the judgment as well as of the execution ;

2. In default of immediate payment by the corporation,

To apportion the sums to be levied on all the taxable property in the municipality, in proportion to its value as it appears by the valuation roll, with the same powers and obligations, and under the same penalties as the council and the secretary-treasurer to whom he shall be by right substituted for the levying of such money ;

To prepare without delay a special collection roll ;

To publish such special roll in the municipality, in the manner required by section 375 ;

To exact and levy the amounts entered on the special collection roll, in the manner and within the delay prescribed by sections 375 and 376 ;

In default of the payment of such amounts by the persons who are bound so to do, to levy the same with costs, on their movable property, in the manner prescribed by section 377 and the sections following to section 382 inclusive;

To sell the real estate liable for such amounts, in default of their payment, in the same manner and with the same effect, as if he were acting under a writ *de terris* issued by the superior court of the district;

3. To make a return to the court of the amount levied and of his proceedings, as soon as the amount of the debt, interest and costs shall have been collected, or from time to time as the court may order.

**400.** The sheriff shall be bound to execute without <sup>Duties of</sup> delay, either personally or by his officers, all the injunc- <sup>Sheriff.</sup> tions of such writ or of any other order subsequently issued by the court.

**401.** The sheriff shall have free access to the registers, <sup>Access to re-</sup> valuation roll, collection rolls and other documents <sup>gisters, &c.</sup> deposited at the office of the council, and he may demand the services of the municipal officers of such council, under the same penalties as if such services were required by the council itself.

**402.** He shall take possession of the valuation roll and <sup>Rights and</sup> other documents which are necessary to him for the powers execution of the judgment and orders of the court.

On the refusal or neglect of the municipal council or its officers to deliver up such documents, he shall be authorized to take possession thereof.

**403.** If it is impossible for the seizing officer to obtain <sup>Special col-</sup> the valuation roll, which should serve as a basis for the collection of the moneys, or if there is no such valuation roll, the sheriff shall, without delay, proceed to make a valuation of the taxable property; and he shall be authorized to base the special roll for the collection of the moneys to be levied on such valuation, as if it were the valuation roll in force.

The costs incurred in making such valuation, as taxed <sup>Costs.</sup> by the court from which the writ shall have issued, shall form part of the costs of execution and be recoverable from the corporation.

**404.** The fees, costs and disbursements of the sheriff <sup>How taxed.</sup> shall be taxed at the discretion of the judge of the court from which the writ of execution issued.

Return of  
documents,  
after collec-  
tion.

**405.** The sheriff shall transmit a copy of his special collection roll, and of any other roll or document whereof he has taken possession, to the office of the council, after having levied the whole amount set forth in the writ of execution, together with interest and costs.

Arrears.

**406.** The arrears due, in virtue of the special collection roll of the sheriff, shall belong to the corporation, and may be recovered by such corporation, in the same manner as any other municipal tax.

Surplus.

If any surplus remain in the hands of the sheriff, it shall belong to such corporation.

Orders of  
court.

**407.** The sheriff may obtain from the court any order calculated to facilitate and secure the complete execution of the writ addressed to him.

Sale of corpo-  
ration pro-  
perty.

**408.** If the corporation, against which any judgment has been rendered, ordering the payment of any sum of money, holds property in its own name, such property may be seized and taken in execution in the ordinary manner prescribed in the code of civil procedure.

If mortgaged. If any such property be mortgaged for the debt being the object of the judgment, it shall be sold before the writ mentioned in section 398 be issued.

## II. RECOVERY OF PENALTIES.

### 1. General provisions.

Tribunal.

**409.** Penalties imposed by the by-laws of the council, or by the provisions of this act or of the special act, shall be recoverable either before the magistrate's court of the county, or before the circuit court of the county or district, within the limits of which they have been incurred, or before any justice of the peace residing in the municipality, if there is one, if not, before any justice of the peace resident in a neighbouring municipality in the district.

Suit.

**410.** All penalties incurred by the same person may be included in the same suit.

Prescription.

**411.** Every suit for the purpose of recovering such penalties shall be begun within six months from the date when they were incurred, after which period the same cannot be brought.

Who may  
bring suit.

**412.** Such prosecutions may be brought by any person of age in his own name, or by the mayor in the name of the corporation.

**413.** Any such suit may be decided on the oath of one Proof credible witness.

**414.** Penalties recovered in virtue of by-laws of the council or of the provisions of this act or of the special act, shall belong, unless it is otherwise provided, one half to the prosecutor and the other half to the corporation.

If the prosecution has been brought in the name of the corporation, the penalty shall belong wholly to the corporation.

If the penalty is due by the corporation, it shall belong wholly to the prosecutor.

**415.** In default of payment of the fine ordered by the court, and the costs, within fifteen days from the rendering of the judgment, the person condemned may be imprisoned for any time not exceeding thirty days, which imprisonment shall end, however, on payment of the sum due.

Such imprisonment shall discharge the person who undergoes it from the obligation of satisfying the judgment against him.

**416.** The plaintiff or the complainant, whose demand or complaint has been dismissed with costs, shall be dismissed bound to pay the costs, under penalty of imprisonment, in the manner and within the delay prescribed in the preceding section.

## 2. Prosecutions before justices of the peace.

**417.** Prosecutions brought before justices of the peace, in virtue of section 409, shall be heard and decided by them, according to the usual rules of procedure laid down respecting summary convictions and orders, except in so far as the same are inconsistent with the provisions of this act.

**418.** Such suits need not be begun by the deposition of the plaintiff or complainant, provided always that the purport of the complaint or demand shall be sufficiently set forth in the writ or in a declaration annexed thereto.

**419.** There shall be an interval of at least two judicial days between the day of the service of the summons and that of the return.

**420.** On the day of the return of the summons or of the warrant, the justice of the peace who signed the sum-

mons or the warrant, shall be entitled to hear and decide the case alone.

He may nevertheless require the assistance of any other justice of the peace having jurisdiction within the district.

Returns.

**421.** The returns of service made by a bailiff shall be given under his oath of office.

Notes of evidence.

**422.** The justice of the peace or the clerk shall take notes of the important part of the evidence.

These notes signed by the sitting justice of the peace shall form part of the record.

Execution of judgment.

**423.** The judgment of the court shall be executory at the expiration of fifteen days from the date thereof.

Arrest on view.

**424.** Any constable or police officer may, and shall if he is so required by the mayor or by any other member of the council, or by the council itself, apprehend and arrest on view all persons found contravening the provisions of any by-law of the council punishable by fine, if it is so ordered by the by-law, and bring them before any justice of the peace to be dealt with according to law.

Return of record in case of appeal.

**425.** The record of every suit shall be remitted by the person in whose custody the same is, to the justice of the peace, upon his order, in cases where there is an appeal from the judgment to the superior court.

### *3. Appeal to the Superior Court.*

In what case.

**426.** An appeal shall lie to the superior court from any judgment rendered by justices of the peace or a district magistrate, in suits brought under the provisions of this act, or of the special act, or of the by-laws of the council.

Security.

**427.** The party who desires to appeal therefrom, must within ten juridical days after the judgment is rendered, furnish, before the prothonotary, good and sufficient security to effectively prosecute the said appeal, to satisfy the judgment and to pay the damages awarded, and costs incurred, as well in the inferior court, as in appeal, in the event of the judgment being confirmed.

Sureties shall justify their sufficiency.

**428.** Sureties shall, to the satisfaction of the prothonotary, justify their sufficiency, to the amount of at least one hundred dollars, over and above all debts, and under oath if the prothonotary deems proper.

One surety shall be sufficient

**429.** The appeal shall be brought by means of a Petition, petition setting out summarily the title of the cause, the date of the judgment, the security furnished, the grounds of appeal, with conclusions praying for the setting aside of the judgment and for the rendering of that which ought to be rendered, and the day that the petition shall be presented to the court or to a judge.

**430.** A copy of such petition certified by the appellant's attorney, together with a notice of the day when it will be presented, shall be served within the fifteen days next after the rendering of the judgment, on the respondent or his attorney, and on the justice of the peace, or on one of the justices of the peace, who rendered the same, or on their clerk.

**431.** Between the day of such service and that fixed for presenting petition in appeal to the court or to the judge, the justices of the peace shall transmit the record in the cause to the prothonotary, with a certificate testifying that the documents transmitted are all the papers, documents and evidence relating to the cause.

**432.** The execution of the judgment from which an appeal has been instituted shall be suspended until the decision of the superior court or of the judge, if a copy of the petition in appeal has been served, within the prescribed delay, upon the justices of the peace or upon their clerk; in default thereof the judgment may be carried into effect.

**433.** The petition in appeal shall be presented to the superior court in open court, or to a judge in chambers of such court, within thirty days after the judgment was rendered, in default whereof the appeal shall lapse.

If the petition must be presented in chambers and the judge be absent it shall be filed in the prothonotary's office.

The appellant shall then produce the return of the bailiff establishing the necessary services.

**434.** The appeal shall be heard and decided in a summary manner and no new witnesses shall be heard.

**435.** The judgment shall be set aside only when a substantial injustice has been committed and never by reason of any slight variance or informality.

If objections are raised, which do not affect the merits of the cause, the court or the judge may amend the procedure, which shall thereupon be executed as though it had been regular in the first instance.

Transmission  
of record to  
court below.

**436.** Immediately after the judgment is rendered, the record in the cause together with a copy of the judgment deciding the appeal and a certificate of the costs allowed, shall be transmitted to the court below, under the authority of which all the costs incurred, including those in appeal, shall be levied.

Foreclosure  
from appeal.

**437.** Every appellant who neglects to make the service required by section 430, or who, having made the same neglects effectually to prosecute the appeal, shall be deemed to have abandoned such appeal, and the court or the judge, on application by the respondent, shall declare all the rights and claims, founded on the said appeal, forfeited with costs in favor of the respondent, and shall order the transmission of the record to the court below.

Responsibili-  
ty of sureties.

**438.** The sureties shall be bound to satisfy the judgment under penalty of seizure and execution, and in the same manner as the principal party, fifteen days after service of the judgment upon them.

Judgment  
non appeal-  
able.

**439.** No appeal shall lie under the provisions of this act, from any judgment rendered by any judge of the superior court, respecting municipal matters.

Judgments  
not to be  
attacked by  
*certiorari*.

**440.** No judgment, decision or conviction, susceptible of appeal under this act, shall be removed by *certiorari* to the superior or circuit court.

#### FINAL PROVISIONS.

Act to be ap-  
plicable to  
the cities.

**441.** This act may apply to city corporations, which shall in future be incorporated; and, in such case, the word "town" shall be replaced by the word "city," every time that the meaning of this act, thus applied, shall require it.

Act in force.

**442.** This act shall come into force on the day of the sanction thereof.

#### C A P. X X X.

An act further to amend "The Quebec Railway act, 1869." (32 Vict., chap. 51.)

[Assented to 28th December, 1876.]

**H**ER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. The thirteenth sub-section of the ninth section of 32 V., c. 51, s. "The Quebec railway act, 1869," is amended by striking out the words "the judge" in the third line and replacing them with the words "any judge" and by adding after the word "district," in the third line, the following words: "or to any judge thereof exercising his functions therein."

2. The fourteenth sub-section of the ninth section of § 14, replaced. the same act is repealed, and the following is substituted in place thereof:

"14. Whenever any such judge is interested in any lands, required by the company, within the district in which he resides or is exercising his functions, or whenever there is no judge in such district, any judge of the superior court, residing or exercising his functions in any adjoining district, shall, on the application of the company or of the opposite party, exercise in any such case all the powers given by this section to the resident judge and to any judge exercising his functions within the district wherein the lands required lie, in cases in which he is not interested."

3. The sixteenth sub-section of the ninth section of § 16, replaced. the same act is repealed, and the following is substituted in place thereof:

"16. If the opposite party within the time aforesaid notifies to the company the name of his arbitrator, then the two arbitrators shall jointly appoint a third, or, if they cannot agree upon a third, then the judge of the superior court shall, on the application of the party or of the company (previous notice of at least two clear days having been given to the other party,) appoint a third arbitrator."

4. The twenty-second sub-section of the ninth section of § 22, replaced. of the same act is repealed, and the following is substituted in place thereof:

"22. If the sole arbitrator or the third arbitrator appointed by the judge or any arbitrator appointed by the parties, or the third arbitrator appointed by the two arbitrators, dies before the award has been made, or is disqualified, or refuses or fails to act within a reasonable time, then in the case of the sole arbitrator, or in the case of the third arbitrator appointed by the judge, upon the application of either party, previous notice of at least two clear days having been given to the other party, the judge, on being satisfied by affidavit or otherwise of such death, disqualification, refusal, or failure, shall appoint another arbitrator in his place; and in the case of any arbitrator appointed by the parties, the company and

party respectively, may appoint an arbitrator in the place of the arbitrator so deceased or not acting, and if the company or party refuse or neglect to appoint such arbitrator, the judge, upon the application of the party or of the company, as the case may be (previous notice of at least two clear days having been given to the other,) on being satisfied by affidavit or otherwise of such death, disqualification, refusal, or failure and of the refusal or neglect to replace the arbitrator so deceased or not acting, shall appoint another arbitrator in his place; and in the case of a third arbitrator appointed by the two arbitrators, the provisions of the sixteenth sub-section of this section shall apply; but no recommencement or repetition of prior proceedings shall be required in any case."

Pending cases of ex-  
propriation.

5. The preceding provisions shall not apply to cases of expropriations commenced before the coming into force of this act.

## C A P. X X X I.

### An act to amend the act incorporating the Levis and Kennebec railway company.

[*Assented to 28th December, 1876.*]

Preamble.

WHEREAS the Levis and Kennebec railway company have presented a petition, praying for an extension of the delay of eight years granted to such company by the act of this province, passed in the thirty second year of Her Majesty's reign, chapter fifty four, for the construction of the said railway, from the town of Levis, from any point in Notre-Dame ward of the said town of Levis to the frontier between the county of Beauce and the state of Maine, one of the United States;

And whereas the said Levis and Kennebec railway company represent in their petition, that they have encountered serious obstacles in the construction of such road;

Whereas the said Levis and Kennebec railway has been actually built and placed in operation, from a certain point in the parish of Notre-Dame de la Victoire, to another point, a little on this side the church of St. Joseph, in the county and district of Beauce, a distance of about forty-five miles;

Whereas it is opportune to authorize the said company to traverse the said town of Levis by passing through the villages of Bienville, Lauzon and the parish of St. Joseph de Levis, to reach the lower parts of the cliff in the said town of Levis;

Whereas an additional delay of six years is necessary to enable the company to complete and finish such road to the said frontier, between the county of Beauce and the state of Maine as aforesaid, and it is convenient to accede to the prayer of the petition and to grant an extension of the delay to construct the said Levis and Kennebec railway : Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. Section two of the act of this province 32<sup>1</sup> Vict., ch. 32 V., c. 54, s. 54, is hereby amended, by striking out in the fourteenth<sup>2</sup> line thereof, the words after the words "from Notre-Dame ward aforesaid," and substituting the following therefor "traversing the said town of Levis, the villages of Bienville and Lanzon and the parish of *St. Joseph de Lévis* to reach the foot of the cliff in the said town of Levis."
2. Section sixteen of the same act is hereby amended, <sup>s. 16, amend.</sup> by substituting the word "fourteen" <sup>ed.</sup> for the word "eight," in the fourth line of the said section.

### C A P . X X X I I .

An Act to amend the act incorporating the Quebec central railway company.

[Assented to 28th December, 1876.]

WHEREAS the Quebec central railway Company Preamble. have by their petition represented that it is desirable to amend their act of incorporation, and it is expedient to grant the prayer of their petition ; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. The time for the completion of the said railway and works connected therewith is hereby extended to five <sup>Delay extend-  
ed.</sup> years from the passing of this act.
2. This act, and the acts of this province 32 Vict. ch. 57, 36 Vict. ch. 47, and 38 Vict. ch. 45, shall be read and interpreted as forming one and the same act for the purposes of the said railway.
3. This act shall come into force the day of its sanction. Act in force.

## C A P. XXXIII.

An act to change part of the location of the lake Champlain and St. Lawrence railway junction company, to extend the delay for the completion of the works of the line, and to define and fix more clearly the absolute mortgages and rights of privilege of the bond-holders of the said company..

[Assented to 28<sup>th</sup> December, 1876.]

## Preamble.

WHEREAS the lake Champlain and St Lawrence railway junction company have by their petition prayed to be authorized to change part of the location of their line, to extend the delay for the completion of the works of the line, and to define and fix more clearly the absolute mortgages and rights of privilege of the bond-holders of the said company, and it is expedient that the prayer be granted ; Therefore, Her Majesty, by and with the advice and consent of the Legislatûre of Quebec, enacts as follows :

## Line.

1. It shall be and it is lawful for the said company to deviate from the line fixed in its charter between Farnham and Philipsburg, so as to facilitate its junction with the railways of the United States.

If the corporation of the municipality of the township of Standbridge, before the first day of the month of June eighteen hundred and seventy-seven, subscribes for shares in the capital stock of the company to the amount of fifteen thousand dollars, this latter shall be obliged to make its line pass through the places called Bedford and Standbridge station ; provided always that the southern terminus shall not be changed.

The location of the line of the said railway, between St. Hyacinthe and St. Hughes, shall be and is fixed at the place determined upon in the contract between the company and the contractor for the works in the said road, so that after having crossed the line of the Grand Trunk Railway in the direction of Ste. Rosalie, it shall pass in the neighbourhood of the Roman Catholic church in the latter parish, thence towards the third range and along this range in St. Simon until near the line dividing the latter parish from that of St. Hughes, and thence in the direction of the Roman Catholic church of the parish of St Hughes, passing between the River Yamaska and the latter church.

95 V., c. 31, s. 2, amended. Section 2 of the act of this province 35 Vict., ch. 31, is in consequence hereby amended and the present section is deemed to form part thereof.

2. The fifteenth section of the said act is amended, by s. 15, amending the word "seven" for the word "six," in <sup>ed.</sup> the second line of the said section.

3. The due payment of the principal and interest of the debentures which the said company have been here-  
tofore authorized to issue, may be secured by a deed of mortgage or hypothec on their railway, and on the revenues, lands, buildings, equipments and other property thereof acquired or to be acquired by the said company; and the said company may, and shall be bound, from time to time, to execute any deed or other instrument that may be requisite to perfect the charge intended to be created by such mortgage or hypothec, and to perfect the security thereby intended to be given, and to enable such charge to be made completely effectual; the whole, however, without prejudice to the rights of any unpaid proprietor of land taken or to be taken for the right of way or for stations.

4. Any such mortgage or hypothec may be made to Trustees, any corporation or to any person or persons in the United Kingdom or in the Dominion of Canada, as trustees, for the holders, from time to time, of the said debentures; which debentures shall refer to such mortgage or hypothec and shall be countersigned by the trustees, or one of them, or by some person on their behalf duly authorized by them in that behalf, for the purpose of identifying such debentures as those which are to be secured by such mortgage or hypothec.

5. Any such deed, bearing mortgage or hypothec, may contain an authority to the trustees, to take possession of the railway, lands and other property thereby charged or hypothecated, and to work and sell them, upon default by the company to pay the principal and interest of the debentures to be secured thereby, or any part thereof, within such delays respectively and upon such terms and conditions as the company shall agree upon, and as shall be expressed in such deed.

6. Any such mortgage or hypothec, upon being duly registered, by means of a declaration of the company showing the amount of the debentures issued by them, in the registry offices for all the registration divisions in which shall be situate any part of the railway, lands or other property which may be affected thereby, and without the registration of any of the debentures issued, shall, for the purposes of this act and the loan to be made in virtue thereof, take effect in priority from the date of its registration without reference to the date or dates at which it was made.

## Rank of debentures.

which the debentures to be secured thereby shall be issued and at whatever subsequent date or dates they shall be so issued; except as otherwise provided in such deed, all the debentures to be issued upon such security, shall be secured *pari passu*, and without any preference of one over the other in consequence of the respective dates of issue thereof, or for any other reason; the whole also without prejudice to the rights of unpaid proprietors as above mentioned.

## Proviso.

## Powers of trustees.

7. The trustees may, at all times, in their own names, and without the necessity for any concurrence or co-operation of any of the debenture holders, enforce all the rights which such deed of mortgage or hypothec, shall purport to confer upon them, in the same way, and to the same extent, as if such deed of mortgage or hypothec had been made to them for their own benefit, and they were the holders of all the debentures issued thereunder and intended to be secured thereby; and for that purpose they may, if necessary, bring or defend in their own names, any actions or suits in any court in the Province of Quebec.

## Act in force.

8. The present act shall come into force on the day of its sanction.

## C A P. X X X I V.

An act to incorporate the St. John street railway company.

[Assented to 28th December, 1876.

## Preamble.

WHEREAS the persons hereinafter named have by their petition prayed that they may be incorporated under the title of "the St. John street railway company," for the purpose of constructing and operating a street railway in the upper town of the city of Quebec; and whereas it is expedient to grant the prayer of the petitioners; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

## Corporation.

1. Andrew Thomson, David Alexander Ross, John Henri Ross Burroughs, Cyrille Tessier, Zephirin Vandy, William Alexander Griffith, and such other persons as shall become share-holders of the said company, are hereby constituted a body politic and corporate, for the purposes herein mentioned, by the name of "the St. John street railway company."

## Name.

## Capital stock.

2. The capital stock of the company shall be fifty thousand dollars, in shares of fifty dollars each.

3. The company may commence operations and exercise the powers hereby granted, so soon as twenty-five thousand dollars of the said capital stock shall be subscribed, and twenty percent of the amount subscribed paid up.

4. The company are hereby authorized and empowered to construct, complete, maintain and, from time to time, remove and change, a single track iron railway, with the necessary side-track, switches, turnouts, and other appliances for the passage of cars, carriages, and other vehicles, adapted to the same, upon and along Buade street, the upper-town market place, Fabrique Line, and St. John streets, as far as the St. Foy turnpike gate in the banlieu of Quebec, and upon and along any of the streets and highways in the upper town of the city of Quebec, for which permission has been or shall be obtained from the corporation of the said city of Quebec, and subject to the limitations set forth and provided by the by-laws granting such permission; and to take, transport and carry passengers upon the said railway; and to construct and maintain all necessary works, buildings and conveniences therewith connected; and to use or occupy any of the said streets or highways aforesaid, as shall be required for the purpose of their railway track, and the running of their cars and carriages; but the company shall not be permitted to use steam power upon the said railway.

Previous permission.

Steam prohibited.

5. The rails of the railway shall be laid flush with the streets and highways, and the railway track shall conform as far as possible to the grades of the same, so as to offer the least possible impediment to the ordinary traffic of the said streets and highways; and the gauge shall be such that the ordinary vehicles now in use may travel on the said tracks, which it shall be lawful for them to do, provided they do not interfere with or impede the running of cars of the company; and in all cases any carriage or vehicle on the track shall give place to the cars by turning off the track.

Mode of construction.

Other vehicles.

6. The affairs of the company shall be under the control of, and shall be managed and conducted by a board to consist of seven directors, of whom three shall be a quorum, and each director shall be a stock-holder to an amount of not less than five hundred dollars, and shall be elected at the annual general meeting of the company, which shall be held on the first Monday in February in every year, at the office of the company; and all such elections shall be by ballot by plurality of the votes of the stock-holders present; each share upon which all in-

Board of directors.

Quorum.

Qualification.

Date.

Ballot.

Votes. stallments due have been paid, shall give one vote, and stockholders, not personally attending, may vote by proxy ; and the directors so chosen shall, as soon as may be, elect one of their number to be president, which president and directors shall continue in office one year and until their successors shall be elected ; after the first election of directors to be made under this act, no share or shares of the capital stock of the said company shall confer a right of voting, which shall not have been held for three calendar months at the least prior to the day of election, or of the general meeting when the votes of the stock-holders are to be given.

Proxy.     

President.     

:     

Voters.     

Annual statement. 7. An exact statement in detail of the affairs, debts, and assets of the company, up to the thirty-first day of December in each year, shall be submitted to the shareholders at each annual meeting, and the said statement shall be entered in the books of the said company, and may be examined by every stock-holder.

First election of directors. 8. As soon as the required amount of stock shall have been subscribed, a meeting of the shareholders shall be convened by public advertisement inserted for nine clear days immediately preceding such meeting, in at least one English and one French newspaper published in the city of Quebec, to elect the directors of the said company, and the directors then chosen shall continue in office until the first Monday of February following.

Notice.     

Powers of directors. 9. The directors of the company shall have full power and authority to make, amend, repeal and re-enact all such by-laws, rules, resolutions and regulations, as shall appear to them proper and necessary, touching the well ordering of the company, the acquirement, management and disposition of its stock, property and effects, and of its affairs and business, the auditing of its accounts, the entering into arrangements and the execution of such contracts with the said city, the declaration and payment of dividends out of the profits of the company, the form and issuing of stock certificates, the calling of special and general meetings of the company, the appointment, removal and remuneration of all officers, agents, clerks, workmen and servants of the company, the fares to be received from persons transported over the railway, or any part thereof, and generally to do all things that shall be necessary to carry out the object and exercise the powers incident to the company ; provided always, that the by-laws of the said company and all amendments thereto, shall be approved by a majority of the stock-holders present in person or proxy, at any meeting of the company convened for that purpose ; and provided further that the corpora-

By-laws.     

Generally.     

Approval.

tions of the municipalities, through which the said railway may pass, shall have full power, by by-law on that behalf, to enforce against the said railway company and all others, such rules and provisions as the said corporations may think necessary, to regulate the construction and use of the said railway so as to prevent all avoidable interference with the ordinary traffic and use of the streets along which the said railway may pass.

**10.** If the election of directors be not made on the day appointed by this act, the company shall not for that reason be dissolved; but the stock-holders may hold the election on any other day in the manner provided for by any by-law passed for that purpose; and all acts of directors until their successors are elected, shall be valid and binding upon the company.

**11.** The company may purchase, lease, hold, acquire property, and transfer all real or personal estate necessary for carrying on the operations of the company.

**12.** The directors of the company may, from time to time, raise or borrow for the purposes of the company, any sum or sums not exceeding in the whole the amount of the paid up capital, provided the amount to be so borrowed do not exceed fifty thousand dollars, by the issue of bonds or debentures, in sums of not less than one hundred dollars, on such terms and conditions as they may think proper, and may pledge or mortgage all the property, tolls and income of the company, or any part thereof, for the repayment of moneys so raised or borrowed and the interest thereon; provided always, that the consent of two-thirds in value of the stock-holders of the company, then present, personally or by proxy, shall be first had and obtained at a special meeting to be called and held for that purpose, and the object of such meeting shall be stated in the notice convening the same.

**13.** The city of Quebec and the said company, are respectively hereby authorized to make and enter into any agreements or covenants relating to the construction of the said railway, and of all the works connected therewith, and the running of the cars, subject to the restrictions contained in this act; to pass any by-laws, and (when all parties concur) to amend, repeal or re-enact the same for the purpose of carrying into effect any such agreements or covenants, and containing all necessary clauses, provisions, rules and regulations for the conduct of all parties concerned, and for enjoining obedience thereto, and for regulating the traffic and conduct of all persons travelling upon the streets and

Powers of Co.  
and of corpo-  
ration of city  
of Quebec.

Proviso.

highways through which the said railway may pass; provided always, that no such by-law or by-laws shall infringe upon the privileges granted to the said company by this act.

Responsibili-  
ty of share-  
holders.

**14.** No shareholder of the said company shall be liable under this act for any default or obligation of the company, or for any engagement, claim, payment, loss, damage, transaction, matter or thing soever relative or attaching to the said company, beyond the amount of his share in the capital of the said company.

Instalments.

Should any shareholder of the said company make default in the payment of any of the instalments payable by him upon his shares, or of any interest due by him, the directors may, at any time after the expiration of three months after the period fixed for the payment of such instalments, declare the said share or shares forfeited whether the amount due has been sued for or not, and such share or shares shall then become the property of, and be at the absolute disposal of the said company.

Confiscation  
of shares.

**15.** No share of the said company shall be transferred until all instalments due or called in thereupon shall have been paid, or until the said share shall have been duly declared forfeited for non-payment.

Recovery of  
instalments.

**16.** In case the said directors shall deem it more expedient in any case to enforce the payment of unpaid instalments than to forfeit the share therefor, the company may sue for and recover the same from the shareholder with interest thereon, in an action of debt, in any court having civil jurisdiction to the amount claimed; and in any such action it shall be sufficient to allege that the defendant is the owner of one or more shares, stating the number of shares, and is indebted to the company in the sum to which the calls in arrear may amount; and to maintain such action, it shall be sufficient that the defendant has signed some book or paper by which his subscription for such share shall appear, and the number of calls in arrear shall have been duly made.

Suits.

Obstruction  
of road.

**17.** Any person wilfully obstructing the said railway by leaving any waggon, cart, carriage, or other incumbrance thereon, or by refusing or neglecting to give place to the cars, shall upon conviction before the recorder for the city of Quebec, or judge of the sessions of the peace for the city of Quebec, or before any justice of the peace in or near the place where the injury has been done, be sentenced to pay a fine of not more than twenty dollars, nor less than two dollars, and in default of payment to an imprisonment not exceeding three months, for

Fine.

Imprison-  
ment.

each and every such offence; this clause shall in no wise affect the right of the company to recover from the offender in the usual way any damage sustained.

**18.** This act shall be void unless one mile at the least *Delay* of the said railway be contructed and put in use, within four years from the passing of this act.

### C A P .   X X X V .

An act to correct an error in the act of this province 39 Vict., ch. 40, respecting the limits of the county of Champlain.

[*Assented to 28th December, 1876.*]

**H**ER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

**1.** The first section of the act of the legislature of this 39 Vict., c. 40, province, 39 Vict., chapter 40, is amended by substituting, <sup>s. 1, amend-</sup> <sub>ed.</sub> in the sixth line, the words "chapter seventeen," for the words "chap. 18."

**2.** This act shall come into force on the day of the <sup>Act in force.</sup> sanction thereof.

### C A P .   X X X V I .

An act to detach from the municipality of the parish of Cap Santé, in the county of Portneuf, a certain piece of land, and to annex it to the municipality of the parish of Ste. Jeanne de Neuville, in the same county.

[*Assented to 28th December, 1876.*]

**W**HEREAS, by means of the *cadastre* in the county of <sup>Preamble.</sup> Portneuf, a certain piece or parcel of land has been discovered, of about eighteen hundred arpents in superficies, bounded as follows, that is to say: towards the north by the south boundary line of the parish of St. Raymond; towards the south by the discharge of lake Blanc, which divides the said parcel of land from the parish of Ste. Jeanne de Neuville; towards the east, partly by the parish of Ste. Jeanne de Neuville, and partly by the west boundary line of the parish of Ste. Catherine; and towards the west, partly by the parish

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of Ste. Jeanne de Neuville, and partly by the eastern boundary line of the parish of St. Bazile : whereas such piece or parcel of land, although separated from the parish of Cap Santé by several miles, is generally held to form part of such latter parish, and whereas according to official documents, it does not form part of any of the parishes which it adjoins ; and whereas for the purposes of the *cadastre* and in view of the approaching close of the cadastration in the county of Portneuf, and also for municipal, school and other purposes, it is important to annex such piece or parcel of land to the parish of Ste. Jeanne de Neuville, and to cadastrate it as such ; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

A parcel of  
land from  
Cap Santé,  
annexed to  
Ste. Jeanne.

Act in force.

**1.** The piece or parcel of land described in the preamble of this act, is detached from the municipality of the parish of Cap Santé, in the county of Portneuf, and annexed to the municipality of the parish of Ste. Jeanne de Neuville, in the same county, for registration, municipal, school and other purposes whatever.

**2.** This act shall come into force on the day of its sanction.

### C A P. X X X V I I .

An act to detach a certain part of the parish of Ste. Geneviève de Berthier, and to annex the same to the parish of Ste. Elizabeth, in the county of Joliette, for electoral, municipal and other purposes.

[Assented to 28th December, 1876.]

**H**ER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

Territory  
annexed to  
Ste. Elizabeth.

**1.** The territory detached from the parish of Ste. Geneviève de Berthier, in the county of Berthier, and annexed to the parish of Ste. Elizabeth, in the county of Joliette, for canonical purposes, by a decree of His Lordship Ignace Bourget, bishop of Montreal, bearing date the 28th June, 1875, is hereby declared to be annexed to the parish of Ste. Elizabeth and to the county of Joliette, for the purposes of representation in this legislature and for school, municipal and other civil purposes whatsoever.

## C A P . X X X V I I I .

An act to detach certain lands from the parish of *St. Ambroise de Kildare*, and to annex the same to the parish of *St. Alphonse*, in the county of Joliette.

[Assented to 28th December, 1876.]

W<sup>H</sup>EREAS the proprietors of lots numbers 7 and 8 in <sup>Preamble.</sup> the 12th range of the township of Kildare, in the county of Joliette, have prayed that their lands be annexed to the parish of *St. Alphonse*, in the county of Joliette, and that it is expedient to accede to their request; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. Lots numbers 7 and 8 of range 12 of the township <sup>Lots annexed</sup> of Kildare, in the parish of *St. Ambroise de Kildare* in the <sup>to St. Al-</sup> county of Joliette, with the road that skirts or traverses the said lots, are detached from the parish of *St. Ambroise de Kildare* and annexed to the parish of *St. Alphonse*, in the said county, for parochial, municipal, school and all other purposes whatever.

## C A P . X X X I X .

An act to authorize the corporation of the village of Notre-Dame de Grâces to have a plan of the said municipality made, and to define the procedure to be followed to have the said plan declared binding on all concerned, and for other purposes.

[Assented to 28th December, 1876.]

W<sup>H</sup>EREAS the corporation of the village of <sup>Preamble.</sup> Notre-Dame de Grâces, owing to the rapid progress and great increase of the population in the limits of its territory which is adjacent and contiguous to the city of Montreal, finds it necessary to have the said territory laid out on some uniform system and to have a plan thereof made and declared binding on all concerned; and whereas the said corporation of the village of Notre-Dame de Grâces have petitioned to that effect, and it is expedient to grant the prayer of said petition; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. It shall be lawful for the said corporation, at any time, to cause public streets, highways, by-roads, avenues, <sup>Lines and</sup> squares and boulevards, within the whole extent of the <sup>plan of</sup> ~~limits of the~~ <sup>streets and</sup> ~~limits of the~~ <sup>boulevards,</sup> municipality of the village of Notre-Dame

## Names.

de Grâces, to be laid out, fixed and determined under the direction and supervision of the said corporation and of the provincial surveyors who are now employed or shall be employed by it, and under the conditions prescribed by said corporation, and to give a name to each of the said public streets, highways, by-roads, avenues, squares and boulevards; and for that purpose the said corporation may employ a sufficient number of surveyors or other competent persons, who shall, with all due diligence, proceed to lay out, fix and determine, under the direction and supervision as aforesaid and under as uniform a system as circumstances may permit, such public streets, highways, by-roads, avenues, squares and boulevards, as aforesaid, of such dimensions, width and extent as may appear to them most desirable for the public interest.

## Powers and duties of surveyors and their employees.

2. The said surveyors or other persons employed in the exercise of the duties assigned to them in and by the preceding section, may, and they are hereby authorized to enter, in the day time, upon any property or real estate within the limits of the said municipality, and they shall, under the direction and supervision aforesaid, make out plans or maps at the expense of the corporation indicating the streets, highways, by-roads, avenues, squares and boulevards, now existing, as well as those they shall lay out and determine by virtue of this act; and they shall designate upon said plans or maps the new lines of such streets or sections of streets, public highways, by-roads, avenues, squares and boulevards that the said corporation may have determined to widen in the interest of the public.

## Lines and plan of a portion only.

3. It shall be lawful for the said corporation to cause the public streets, highways, by-roads, avenues, squares and boulevards to be laid out and the plans or maps thereof to be made for such portion of the said municipality as may be determined by the council, separately; beginning by the eastern part of the said municipality adjacent to the city of Montreal; but the plans or maps of such separate portions of the municipality laid down as aforesaid, shall be so made as to correspond with each other, in such a manner as that, when completed, they shall make but one and the same plan, to be known as the general plan of the municipality of the village of Notre-Dame de Grâces.

## Plan approved by council.

4. When a plan or map of the municipality or of any portion thereof, to be determined as aforesaid, shall be completed and approved by the council, the said corporation by attorney or council shall apply, by summary petition, to the superior court in and for the district of

Montreal, to obtain the confirmation and ratification of the said plan or map, after having given public notice of the day and hour at which such petition shall be so presented, in the newspapers published one in the English and one in the French language, in the city of Montréal; provided that the said notice shall, at least, have two insertions in each of the said newspapers, and that one month at least shall elapse between the date of the last insertion of the said notice and that of the presentation of the said petition.

5. Every such plan or map, when confirmed by the said superior court, shall be final, decisive and binding upon the said corporation and proprietors therein interested and upon all other persons; and no indemnity or damage shall be claimed or granted at the time of the opening of any of the new streets, by-roads, avenues, public places, squares or boulevards indicated on the said plan, for any building or improvement whatsoever that the proprietors or other persons may have made or caused to be made, after the confirmation of the said plan, upon any land or property reserved either for new streets, by-roads, avenues, squares or boulevards, or for the widening of any of the said streets, public places or boulevards of the said municipality; provided that nothing contained in this act shall be construed as depriving the said corporation of the right of widening any of the streets, public places or boulevards designated in such plan after its confirmation, if deemed advisable so to do, but after any such plan shall have been so confirmed, no alteration shall be made unless approved by a vote of two thirds of the members of the council.

6. A duplicate of the said plan shall be deposited immediately after its completion in the office of the pro-thonotary of the said court and another in the archives of the said corporation, and when such plan shall have been confirmed and ratified by the superior court as aforesaid, the secretary-treasurer shall make an entry upon the duplicate of the said plan deposited in the archives of the said corporation in the following words: "confirmed by the superior court on the day of , one thousand " Deposit of plans. Special entry.

7. The said corporation shall have all the necessary powers to open to the public, whenever the said corporation shall deem it advantageous to do so, in the interest of the municipality, any new street, highway, public place or boulevard shewn on the said plans or maps, also to widen any of the streets, highways, public places or boulevards thereon indicated as widened, after having adopted, however, the formalities and procedure pre-Opening of streets laid down on plan. Widening. Procedure.

scribed by the municipal code relative to such matters and to expropriation.

Streets and  
boulevards  
not opened.

**S.** The designation of new streets, public places and new boulevards in and by this act, applies to such streets, public places and boulevards as have not been opened and named before the passing of this act.

## C A P. X L.

An act to erect a new village municipality, in the parish of Notre-Dame de Grâces.

[Assented to 28th December, 1876.]

Preamble.

**W**HEREAS the curé of Notre-Dame de Grâces, the honorable J. E. Prud'homme, legislative councillor of this province, Jérémie Décarie, Félix Prud'homme, Joseph St. Germain, and divers others inhabitants, free-holders of the parish of Notre-Dame de Grâces, in the banlieue of Montreal, in the county of Hochelaga, have prayed that, for their greater benefit, an act be passed to erect a new village municipality in the said parish, comprising chiefly the lands of Côteau St. Pierre and of Côte St. Luc; and whereas it is expedient to accede to such demand; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Village  
municipality.

**1.** A new village municipality is erected in the parish of Notre-Dame de Grâces, which shall comprise within its limits the lands of Côteau St. Pierre, the lands of Côte St. Luc, and several lands of Côte St. Antoine to the line hereinafter established, all which are detached from and shall cease to form part of the municipality of the village of Notre-Dame de Grâces.

Name.

**2.** Such municipality shall bear the name of "Municipality of the village of Notre-Dame de Grâces West."

Boundaries.

**3.** The municipality of Notre-Dame de Grâces West shall be bounded as follows:

To the north-west by the municipality of Côte des Neiges, and by the parish of St. Laurent;

To the south-west by the parish of Lachine;

To the south-east by the *trait-carré* of the lands of Côteau St. Pierre;

To the north-east by the Côte St. Paul road as far as the road known as the upper Lachine road, thence by the north-east line of lots numbers 188, 188a and 189 of the cadastre of the parish of Montreal, as far as the Côte St. Antoine road; thence by the north-east line of lot number 202 of the said cadastre, as far as lot number 201; thence at right angles, by the south-east line of the said

lot number 201, and the prolongation thereof across lot number 213, as far as its north-east line; and thence again at right angles, by the said north-east line of lot number 213, as far as the boundary line of the said municipality of Côte des Neiges.

**4.** The municipality of Notre-Dame de Grâces West Wards, shall be divided into three wards:

Notre-Dame Ward;

St. Peter's Ward; and,

St. Luc Ward.

**5.** Notre-Dame ward shall be entitled to two councillors. Notre-Dame ward has two councillors.

Such ward shall include the territory comprised towards the south-east, between the West Avenue, extended to the land of Léon Prud'homme; towards the south-west, the north-east line of the said land of Léon Prud'homme, prolonged until opposite the slope of Côte des Neiges; towards the north-west, little Côte des Neiges; toward the north-east, the limits of the municipality of Notre-Dame de Grâces West.

St. Peter's ward shall comprise the lands of Côteau St. Pierre, throughout their whole extent, not included in Notre-Dame ward, and shall be divided into three, and each subdivision shall be entitled to one councillor elected by the electors of such subdivision.

The subdivisions shall be: 1st, to the east of Côteau St. Pierre, St Peter East, and it shall comprise the territory included between the limits of the municipality and the south-west line of the land of D. Jérémie Décarie, line prolonged to the *trait-carré* of the land; 2nd, St. Peter Centre, comprising all the lands included between the south-west line of the land of Jérémie Décarie, and the south-west line of the land of the widow Mills (lines comprised throughout their entire length); 3rd, St. Peter West, from such latter line to Lachine.

St. Luc ward shall comprise all the lands of Côte St. Luc, not included in Notre-Dame ward. St. Luc ward, three councillors.

Such ward shall be divided into two sub-divisions, that is to say: St. Luc East, and St. Luc West; and each subdivision shall be entitled to one councillor. A line passing in the south-west line of the land belonging to Th. O'Brien, and acquired from the late A. Hurtubise, and extending towards the south-east in the south-west line of the lot of John Brodie, shall be the division line of St. Luc ward.

Should any new municipality or municipalities be erected, the council of Notre-Dame de Grâces West may, if it see fit, make a new subdivision of the wards still belonging to Notre-Dame de Grâces West, without, however, changing the limits of such wards.

**Act 40 V., c. 39, to apply.** **6.** All the provisions of the act passed in the present session intitled: "An act to authorise the corporation of the village of Notre-Dame de Grâces, to have a plan of the said municipality made, and to define the procedure to be followed to have the said plan declared binding on all concerned, and for other purposes," shall apply to the new municipality of the village of Notre-Dame de Grâces West; and the council of the municipality of the village of Notre-Dame de Grâces West, shall, for the preparation and confirmation of the plan or plans of the municipality, have all the powers given by the said act to the council of the municipality of the village of Notre-Dame de Grâces.

Plan of Streets.

But if the council of the said municipality of Notre-Dame de Grâces West do not deem it expedient to have such plan or plans forthwith made, then it shall be the duty thereof to cause a plan of the municipality, for the lines of the cross streets only, to be made as soon as possible, and to pass a by-law to render such plan binding, with the effect as provided in the act mentioned in this section; and the plan or plans, mentioned in the said act may, thereafter, be made at any time that the council shall deem expedient.

Municipal code to apply.

**7.** All the provisions of the municipal code shall apply to the municipality of Notre-Dame de Grâces West, except in so far as they are inconsistent with the present act.

First election.

**8.** The first municipal election of the said municipality shall take place on the second Monday of February next.

Act in force.

**9.** The present act shall come into force on the day of the sanction thereof.

## C A P. X L I.

An act to change the name of the municipality of the village *La rivière St. Pierre*, and to extend its powers.

[Assented to 28th December, 1876.]

Preamble.

**W**HEREAS the corporation of the village *La rivière St. Pierre* have, by petition from the municipal council of the same, prayed for a special act of incorporation to change the name of the said municipality, and also for further and special provisions as to the mode and manner for laying out plans for projected streets, roads and avenues, and as to the mode of making the divisions or subdivisions of the property in the said municipality, for municipal purposes; and whereas it is expedient to

grant the same ; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. From and after the passing of this act the name of <sup>Name changed.</sup> the said municipality shall be changed from that of the village of *La Rivière St. Pierre* to that of the village of Verdun, and the inhabitants, rate-payers and proprietors of the territory comprised within the limits of the former municipality of the village of *La Rivière St. Pierre*, and within the territory hereinafter mentioned, shall form a corporation or body politic, known as "the corporation of the village of Verdun," acting and exercising powers <sup>New names</sup> under the provisions of the municipal code of Quebec save as hereinafter provided for.

2. It shall be lawful for the said corporation at any time to cause public streets, highways, by-roads, avenues, squares and boulevards, within the municipality of the village of Verdun, to be laid out, fixed and determined under the direction and supervision of the said corporation and of the provincial surveyors to be employed by them, and under the conditions prescribed by said corporation, and to give a name to each of the said public streets, highways, by-roads, avenues, squares and boulevards ; and for that purpose the said corporation may employ a sufficient number of surveyors or other competent persons who shall with all due diligence proceed to lay out, fix and determine under the direction and supervision as aforesaid, and under as uniform a system as circumstances may permit, such public streets, highways, by-roads, avenues, squares and boulevards, of such dimensions, width and extent as may appear to them most desirable for the public interest.

3. The said surveyors or other persons employed in the exercise of the duties assigned to them in and by the preceding section, may and they are hereby authorized to enter in the day time upon any property or real estate within the limits of the said municipality, and they shall under the direction and supervision of resaid, make out plans or maps at the expense of the corporation, indicating the streets, highways, by-roads, avenues, public squares and boulevards, now existing as well as those they shall lay out and determine by virtue of this act ; and shall designate upon said plans or maps the new lines of such streets or sections of streets, public highways, by-roads, avenues, public squares and boulevards that the said corporation may have determined to widen in the interest of the public.

4. It shall be lawful for the said corporation to cause the said public streets, highways, by-roads, avenues, <sup>Line and plan of a portion only.</sup>

Proviso.

squares and boulevards to be laid out and the plans or maps thereof to be made for such portion of the said municipality as may be determined by the council, separately, but the plans or maps of said separate portions of the municipality to be determined as aforesaid, shall be so made as to correspond with each other in such a manner as that when completed they shall make but one and the same plan, to be known as the general plan of the municipality of the village of Verdun.

Approval of the plan by council.

**5.** When a plan or map of the municipality or of any portion thereof to be determined as aforesaid, shall be completed, and approved by the council, the said corporation by their attorney and counsel, shall apply by summary petition to the superior court in and for the district of Montreal, to obtain the confirmation and ratification of the said plan or map, after having given public notice of the day and hour at which such petition shall be so presented, in two newspapers published one in the English and one in the French language in the city of Montreal ; provided that the said notice shall at least have two insertions in each of the said newspapers, and that one month shall at least elapse between the date of the last insertion of the said notice, and that of the presentation of the said petition.

Confirmation by superior court.

Notice.

Effect of confirmation.

**6.** Every such plan or map when confirmed by the said superior court, shall be final, decisive and binding upon the said corporation and proprietors therein interested and upon all other persons ; and no indemnity or damage shall be claimed or granted at the time of the opening of any of the new streets, by-roads, avenues, public squares or boulevards indicated on the said plan, for any building or improvement whatsoever that the proprietors or other persons may have made or caused to be made after the confirmation of the said plan, upon any land or property reserved either for new streets, by-roads, avenues, public squares or boulevards, or for the widening of any of the said streets, roads, avenues, public squares or boulevards of the said municipality ; provided that nothing contained in this act shall be construed as depriving the said corporation of the right of widening, extending or altering any of the streets, roads, avenues, public squares or boulevards designated in such plan after its confirmation, if deemed advisable so to do, but after such plan shall have been so confirmed, no alteration thereof shall be valid unless approved by a vote of the two thirds of the council.

Proviso.

**7.** A duplicate of each of the said plans shall be deposited immediately after its completion, in the office of

the prothonotary of the said court, and another in the archives of the said corporation, and when such plan shall have been confirmed and ratified by the superior court as aforesaid, the secretary-treasurer shall make an entry upon the duplicate of the said plan deposited in the archives of the said corporation, in the following words: "confirmed by the superior court on the day of , one thousand " Special entry.

**8.** The said corporation shall have all the necessary power to open to the public, whenever the said corporation shall deem it advantageous to do so, in the interest of the municipality, any new street, road, avenue, public square or boulevard shewn on the said plans or maps; also to widen any of the streets, roads, avenues, public squares or boulevards thereon indicated as widened, after having adopted, however, the formalities and procedure prescribed by the municipal code relative to such matters and to expropriation. Opening of streets laid down. Widening.

**9.** The designation of new streets, roads, avenues, public squares and boulevards in and by this act, applies to such streets, roads, avenues, public squares and boulevards as have not been opened and named before the passing of this act. Streets and boulevards not opened.

**10.** It shall not be lawful for the corporation of the said village to effect any loan or order or authorize any limited loan or loans or issuing of debentures beyond the amount or sum of fifty thousand dollars.

**11.** The secretary-treasurer of the council shall, as soon as possible after the passing of this act, prepare and keep a book entitled: "municipal register of property," in which shall be entered on a separate page each lot in said municipality, with its superficies and name of the owner thereof, mentioning also the cadastral number of the lot or the portion of the cadastral lot of which it forms part. Register of properties.

**12.** As soon as such book shall have been prepared public notice thereof shall be given, and the council will, at a time and place indicated in such notice, proceed to homologate and confirm, or amend and homologate and confirm the same, by resolution, with the superficies therein given to each of the lots therein enumerated. Homologation and confirmation of register.

**13.** So soon as such book shall have been ratified and confirmed as above, the same shall be forthwith deposited in the office of the secretary-treasurer, and public notice thereof given. Deposit.

Change of  
proprietor.

**14.** Whenever any change shall be made in the proprietorship of a lot of land or any portion thereof as entered in the said register, it shall be the duty of the vendor or transferee to notify the secretary-treasurer of the same by furnishing to him the size and dimensions of the same so transferred, and for that purpose the secretary-treasurer shall have blank forms of such notice, which he shall furnish gratis on demand.

Subdivision  
of lots with  
cadastral  
numbers.

**15.** So soon as the present lots of land with cadastral numbers shall be further officially subdivided, such subdivisions shall be entered in said register with a separate page for each subdivision.

Conveyance  
of part of non-  
cadastrated  
lot.

**16.** If any conveyance be only of a part of a lot of land with no cadastral number for such part, such conveyance shall be noted in said register on the same page as the original lot whereof it formed part, and under a heading subdivision No. 1 or No. 2, as the case may be, and so on, if the conveyance be of a portion of a subdivision.

Office of the  
council.

**17.** The office of the council of said municipality shall be at such place as may be determined by resolution of the council, and may be situated in the city of Montreal.

### C A P . X L I I .

An act to incorporate the municipality of the village of Ste. Cunégonde.

[Assented to 28th December, 1876.]

Preamble.

WHEREAS the inhabitants of the parish of Ste. Cunégonde, in the county of Hochelaga, have by their petition represented that it is desirable that they should be incorporated as a village municipality; Therefore, Her Majesty, by and with the advice and consent of the Legislature of the province of Quebec, enacts as follows:

Parish erect-  
ed as village  
municipality.

**1.** The said parish of Ste. Cunégonde, in the county of Hochelaga, in the district of Montreal, is erected as a village municipality; and the inhabitants of the said parish of Ste. Cunégonde shall form a municipal corporation under the name of the "municipality of the village of Ste. Cunégonde," whose limits shall be as follows, that is to say: on one side towards the north-east the said village shall be bounded by the limits of the city of Montreal, to the south-east by the Lachine canal, to the north-west by centre of Dorchester street and to the south-west by the centre of Atwater street.

Name.

Boundaries.

2. The first election of councillors for the said municipality shall be held on the day and at the place fixed by the warden of the county of Hochelaga, who shall preside at the said election ; and all the articles of the municipal code of the province of Quebec relating to elections and to meetings of municipal electors, shall apply *mutatis mutandis* at the first election of councillors to be held as herein above enacted ; provided that the said warden shall be obliged to give the notices required by article 294 of the said municipal code, and the other articles relative to this matter.

3. All the provisions of the municipal code and of the acts amending the same relative to village municipalities established in virtue of the said code, shall apply to the said municipality of the village of Ste. Cunégonde.

4. This act shall take effect on the day of the sanction <sup>Act in force.</sup> thereof.

### C A P . X L I I I .

An act to divide the municipality of the township of Cox in the county of Bonaventure, district of Gaspé, into two separate municipalities.

[Assented to 28th December, 1876.]

WHEREAS the inhabitants of the municipality of <sup>Preamble.</sup> the township of Cox, in the county of Bonaventure, district of Gaspé, have prayed that the said municipality be divided into two distinct municipalities, and whereas it is expedient to grant the prayer of the petition ; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. The municipality of the township of Cox shall for <sup>Division into</sup> the future cease to form a single municipality, and shall <sup>two municip-</sup> be divided into two separate municipalities, which shall <sup>palities.</sup> be known and designated as follows : "The municipality <sup>New Carlisle.</sup> of New Carlisle," and "The municipality of Paspebiac."

2. The municipality of Paspebiac shall include all that <sup>Territory</sup> portion of the township of Cox, which lies to the east of <sup>comprised in</sup> William Scott's bridge. <sup>the new mu-</sup> nicipalities.

The municipality of New Carlisle shall include the remaining portion of the old municipality, which lies to the west of William Scott's bridge.

Municipal  
code to  
apply.

**3.** All the provisions of the municipal code shall apply to those municipalities, as well as to the corporation and council of each, as if they had been separated under the provisions of such code.

1st election.

**4.** A general election of municipal councillors shall be held in each of those municipalities on the second Monday in the month of February next after the coming into force of this act, at which election seven councillors shall be elected, in the manner provided by the municipal code.

Subsequent  
elections.

Subsequent general elections in such municipality shall be held, at the time and in the manner determined by the municipal code.

Existing  
municipal  
by-laws, &c.

**5.** The municipal by-laws, orders, rolls or enactments governing the municipality of the township of Cox, before the coming into force of this act, shall remain in force in both municipalities, until they shall have been repealed or amended by the council of one or other of the said municipalities.

Appropria-  
tion of  
moneys.

**6.** Any by-law that has not been approved by the majority of the rate-payers of the township of Cox, and any resolution of the present council of the municipality of the township of Cox, which may have been passed since the tenth day of November, one thousand eight hundred and seventy-six, and by which an appropriation of money exceeding one hundred dollars has been or may have been made, shall be null and of no effect as to that part of such township which is hereby erected into the municipality of Paspebiac.

Division of  
moneys.

The division of the moneys belonging to the municipality of the township of Cox shall be made, without paying attention to any such appropriation, which, however, shall diminish in no way the rights that would have been enjoyed by the municipality of Paspebiac, if such appropriation had not been made.

Division of  
property.

**7.** The movable property, assets and liabilities of the present municipality of the township of Cox shall be divided between the two new municipalities of New Carlisle and of Paspebiac, in conformity with the provisions of the municipal code and of the acts amending the same.

Act in force.

**8.** The present act shall come into force on the first day of February, 1877.

## C A P . X L I V .

An act to divide the municipality of the township of Malbaie, in the county of Gaspé, district of Gaspé, into two separate municipalities.

[Assented to 28th December, 1876.]

WHEREAS the inhabitants of the east part of the municipality of Malbaie, in the county of Gaspé, have petitioned that they may be detached from the said municipality, by reason of its too great extent and of the difficulty which many of them experience in reaching the place where the sittings of the council are held, and that they be constituted into a separate municipality under the name of the municipality of the parish of Malbaie number two; and whereas it is just to grant their prayer; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. The municipality of the township of Malbaie shall hereafter cease to form one municipality, and shall be divided into two separate municipalities, which shall be known and designated as follows: "Municipality of the parish of St. Pierre de la Malbaie number one," and "Municipality of the parish of St. Pierre de la Malbaie number two." Division into two municipalities.

2. The municipality of the parish of St. Pierre de la Malbaie number two, shall hereafter comprise all that part of the township of Malbaie, bounded as follows: to the north by the township of Douglass, to the east by Gaspé basin, to the south by the bay of Malbaie and the waters of the gulf of St. Lawrence, to the west, by the west line of lot No. 19 of the first range north, for the distance of fifty chains, more or less, to the intersection of the Belle Anse and Gaspé road, thence following such road fifty-two chains more or less, to the depth of the first range north, thence following the *trait-carré* of the said depth, more or less to the *trait-carré* of the depth on the third range of the Belle Anse and Gaspé road, thence following the said *trait-carré* to the intersection of the said division of the townships of Malbaie and Douglass, as set forth on the plan which accompanies the petition of the petitioners.

The municipality of St. Pierre de la Malbaie number one shall include the remainder of the old municipality.

3. All the provisions of the municipal code shall apply to such municipalities, as also to the corporation Digitized by Google Municipal code to apply

and council of each of them, in the same manner as if they had been separated under such code.

**1st election.** **4.** A general election of municipal councillors shall be held in the municipality of the parish of St. Pierre de la Malbaie number two, on the second Monday of the month of February, next after the coming into force of this act, at which election seven councillors shall be elected in the manner prescribed by the municipal code.

**Subsequent elections.** The general elections following in such municipality shall be held as in other local municipalities.

**Division of property.** **5.** The movable estate, assets and liabilities of the existing municipality of the township of Malbaie, shall be divided between the two new municipalities, in accordance with the municipal code and the acts which amend the same.

**Act in force.** **6.** This act shall come into force on the day of its sanction.

### C A P. X L V.

An act to erect the township of Bolton into two distinct municipalities for municipal and school purposes.

[*Assented to 28th December, 1876.*]

**Preamble.**

WHEREAS a large number of the inhabitants of the township of Bolton in the county of Brome, have by their petition prayed that the said township should be erected into two separate and distinct municipalities; and it is expedient to grant their petition; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

**Division into two municipalities.**

**1.** The territory heretofore known and distinguished as the township of Bolton, in the county of Brome, is from and after the passing of this act divided and erected into two separate and distinct municipalities, in such manner as that the first four ranges on the west side of said township shall form one municipality, and the remaining ranges shall form another municipality—to be severally hereafter known as “the municipality of west Bolton” and the “municipality of east Bolton.”

**Names.**

**Purposes of subdivision.**

**2.** The said two municipalities hereby constituted shall be separate and distinct for all municipal and school purposes.

3. A meeting of the qualified electors of the said municipality of West Bolton shall be held at the Brill School House in the said municipality on the first Monday in the month of February, one thousand eight hundred and seventy-seven for the election of councillors in accordance with the provisions of the municipal code ; and the municipal councillors of the present township of Bolton shall continue in office for the said municipality of East Bolton, with the exception of those who retire and those who do not reside within its limits.

4. A meeting of the qualified electors of said municipality of West Bolton shall be held at the said Brill School House on the second Monday in the month of March, one thousand eight hundred and seventy-seven for the election of school commissioners in accordance with the law.

5. Nothing contained in this act shall have the effect of discharging the whole or any portion of the said municipalities, or either of them, from debts and obligations contracted by the municipality of the said township of Bolton, prior to the passing of this act.

6. This act shall come into force on the day of the Act in force, sanction thereof.

#### C A P. X L V I .

An act to erect the village of *Pointe au Pic* into a separate municipality.

[Assented to 28th December, 1876.]

WHEREAS the inhabitants of that part of the parish of *St. Etienne de la Malbaie*, in the county of Charlevoix, known by the name of *Pointe au Pic*, have by their petition represented that the present population of the said *Pointe au Pic* is over four hundred souls ; that the village of *Pointe au Pic* is a watering place that is well-known abroad, and to which, every summer, a great many strangers resort ; that it is opportune to grant the said village of *Pointe au Pic* the powers of a village municipality so as to insure the maintenance of good order and the execution of the improvements necessitated by the rapid growth of the said village ; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. From and after the sanction of this act, the following portion of the municipality of the parish of *St. Etienne de la Malbaie* shall constitute a separate village municipality, under the name of the "Municipality of the village Name".

**Boundaries.** of *Pointe au Pic*," to wit : " all that portion on the river St. Lawrence, lying between the north-west line of the farm belonging to Xavier McNichol, prolonged across the seigniorial domain to the river St. Lawrence, and the south-west line of the property of W. B. Lamb, the said front on the river St. Lawrence including from the aforesaid line of the farm of Xavier McNichol, in a general southerly direction 26 arpents, and thence in a general southwesterly direction 46 arpents ; in depth all that portion included between the said river St. Lawrence, and a line having its point of departure at 13 arpents from the said river St. Lawrence, on the aforesaid line of Xavier McNichol's farm, and stretching towards the north-west line of the property of the said W. B. Lamb, intersecting this latter line at 8 arpents from the said river St. Lawrence, the distance between the two points above mentioned being about  $25\frac{1}{2}$  arpents ; further, all that portion included between the said river St. Lawrence and the north-west line of the property of the said W. B. Lamb as far as the south-west line of the said property, the distance calculated on the north-west line of the said property of the said W. B. Lamb being about 36 arpents."

**Municipal code to apply.** **2.** All the provisions of the municipal code, and the acts amending the same, referring to village municipalities established according to the provisions of the said code, shall apply to the said municipality of the village of *Pointe au Pic* ; except that the first municipal election shall be held on the first Monday of February next, and that a second general election shall be held on the first Monday of August next, and that the subsequent ordinary elections shall be held at this latter date ; and the drawing of lots for the councillors shall take place in the month of July each and every year.

**1st election.** **1st election.** **3.** The corporation of the said village of *Pointe au Pic* shall not have the right to establish any toll gates on the roads or bridges within the limits of the said municipality of the village of *Pointe au Pic*, so long as there shall be none established in the said municipality of the parish of St. Etienne de la Malbaie.

**Drawing of lots.** **Toll gates.** **4.** The public bridge now existing over the Murray river near the court house in the parish of St. Etienne de la Malbaie, shall be maintained, repaired and if necessary rebuilt at joint expense, by the corporation of the said parish of St. Etienne de la Malbaie and by the corporation of the said village of *Pointe au Pic*, the former of the said corporations being obliged to contribute eight-ninths of the said expense and the latter one-ninth.

5. This act shall come into force on the day of the ~~Act in force.~~ sanction thereof.

## C A P . X L V I I .

An act to erect the village of West Farnham into a town.

[Assented to 28th December, 1876].

WHEREAS the increase of the population of the ~~Preamble.~~ village of West Farnham, and the provisions of the municipal laws do not allow the inhabitants thereof to undertake the improvements they propose, and whereas the municipal council of the said village has represented that it is necessary that more ample provisions be made, and whereas it is desirable that the said village should be incorporated as a town under the name of the town of Farnham; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. From and after the passing of this act, the inhabitants ~~Town erected.~~ of the town of Farnham, as hereinafter described, and their successors, shall be and they are hereby declared to be a body politic and corporate in fact and in law, under the name of "The mayor and council of the town of Farnham," and separate from the county of Missisquoi, for all municipal purposes; and under such name, they and their successors shall have perpetual succession, and shall be capable of appearing in law, suing and being sued in all courts and in all actions, causes and plaints whatsoever, and they shall have a common seal which they may change and modify at pleasure, and shall in law be capable of receiving by gratuitous title, acquiring, holding, transferring and alienating property, movable and immovable, for the use of the said town, of becoming parties to all contracts or agreements in the management of the affairs of the said town, and of giving or accepting all notes, bonds, obligations, judgments or other instruments or securities for the payment of, or for insuring the payment of, any sum of money borrowed or loaned, or for the execution of any other duty, right or thing whatsoever.

Corporate name.

General powers.

Seal.

2. The limits and boundaries of the town of Farnham ~~Boundaries.~~ shall be the following:

1. The limits of the said town shall be the same as those of the village of West Farnham, with an additional extent of forty perches, French measure, commencing from the limits of the said village, and at all points of the said limits to extend the same distance of forty perches.

## Wards.

2. The said town shall be divided into four wards which shall respectively be designated and known as: ward number one; ward number two; ward number three, and ward number four.

## No. 1 ward.

Ward number one shall include all that part of the said town situated in and forming part of lots numbers forty-five and forty-six, in the fourth and fifth ranges of the south side of the river Yamaska.

## No. 2 ward.

Ward number two shall include all that part of the said town situated on lots numbers forty-three and forty-four of the fourth and fifth ranges of the south side of the said river.

## No. 3 ward.

Ward number three shall include all that part of the said town situated on lots numbers forty-one and forty-two of the fourth and fifth ranges of the south side of the said river.

## No. 4 ward.

Ward number four shall include all that part of the said town situated on lots numbers forty-one, forty-two, forty-three, forty-four, forty-five and forty-six of the fifth range on the north side of the said river.

40 V., ch. 29,  
to apply.  
(General  
clauses act).

## Exceptions.

3. The town corporations' general clauses act, 40 Vict., ch. 29, shall be followed and carried out as being the special act in force for the said corporation of the town of Farnham, with the modifications and changes which follow:

Revision of  
ward bounda-  
ries.

1. The council of the town of Farnham shall have full power and authority to revise and change by by-law passed in the usual manner, the boundaries of the various wards of the said town, if deemed necessary to do so, for the better administration of the affairs of the said town; provided always that it shall and may be lawful for any proprietor of land immediately adjacent or contiguous to the limits of the said town of Farnham, by means of a notice given by such proprietor to the municipal authorities of the said town, and the consent of the said authorities signified by a by-law passed by them for such purpose, in the usual manner, to demand and obtain that the said property be included in the limits of the said town, and so on successively for other proprietors having property adjacent to the properties thus successively included in the limits of the said town as aforesaid, and upon such property being declared to be included by by-law as herein above provided, the said proprietors, whose properties shall be included within the limits of the said town of Farnham, shall have and possess all municipal privileges, and shall be subject to all the by-laws, obligations, duties and charges imposed upon the persons and property originally included within the limits of the said town.

Effect of an-  
nexation.

2. There shall be elected, from time to time, in the manner hereinafter provided, a proper person to be called

Election of  
the mayor and  
six coun-  
cils.

"the mayor of the town of Farnham," and six competent persons to be, and who shall be called, "the councillors of the town of Farnham"; such mayor shall be elected by the majority of votes taken in the whole town, and such councillors elected by the majority of the votes of electors of each respective ward, to wit: one for ward number one, three for ward number two, one for ward number three and one for ward number four; and such mayor and councillors so elected shall form the council of the said town, and shall be designated as such; the quorum shall be four.

Quorum.

3. No person shall be elected mayor or councillor of the town of Farnham, unless he shall have resided and kept house in the said town, during one year next preceding such election, and unless he is possessor as proprietor in his own name or in that of his wife, of immovable property in the said town, of the value of four hundred dollars, after payment or deduction of his just debts.

Qualifications.

4. The persons who shall have a right to vote at any municipal election in the said town shall be the male inhabitants thereof, freeholders and householders, of the full age of twenty-one years, residing in the said town, and in actual possession of immovable property in the said town of the real value of fifty dollars, or occupants of a property of the annual value of twelve dollars, and also tenants of the full age of twenty-one years and who shall have resided and paid rent in the said town, at a rate not less than eighteen dollars per annum, for a house or part of a house, during the year which shall have immediately preceded the election; provided always that no person qualified to vote at a municipal election in the said town, shall have a right to have his vote recorded unless he shall have paid his municipal taxes due before such election; and it shall be lawful for any candidate at such election and for the officer presiding at such election, to exact the production of the receipts or the proof establishing the payment of such taxes due as aforesaid.

Payment of taxes necessary.

5. Persons having a right to vote at municipal elections as aforesaid, shall vote in the particular wards in which are situated the properties which qualify them to vote.

6. Municipal elections of the said town shall be held every two years, on the second Monday in January, or on the following day, if such Monday be a holiday, and shall be announced by public notice in French and English posted up during the eight preceding days in the hall wherein are held the meetings of the said council, and upon the door of the parish church; and such notice shall be signed by the mayor of the said council, and contain the day, place and hour fixed for the holding of the said election in each ward of the said town. The notices for the first

Notice for 1st elect!

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Presiding officer at 1st election.

election shall be signed by the mayor of the village of West Farnham, or on his refusal, by one of the councillors of the said village ; the said mayor or councillor shall appoint the officer to preside at such first election.

Election.

7. The mayor of the said town shall be elected by the majority of the votes of all the electors of the said town qualified as aforesaid, recorded in the place designated by the said town council and indicated in the notice above mentioned.

Subsequent elections ; presiding officer.

8. Before the publication of the notices announcing such subsequent annual municipal election, the council of the said town shall appoint an elector to preside over and conduct the said election, and such town council shall designate the places in which such election shall be held in each ward ; such presiding officer, having under him in each

Places.

ward, a deputy appointed and paid by the council for each ward of the said town, and for the poll in which shall be held the election for mayor ; and the polls shall be open in each ward for the reception and enregistration of votes

Deputies.

from ten o'clock in the morning until five o'clock in the afternoon of the day fixed for such election ; in the event, however, of the said election not being by acclamation, at the closing of the poll, the officer presiding

Declaration.

over the election or the said deputies, shall declare the person or persons who shall have received the greatest number of votes, duly elected mayor or councillors of the said town ; in the case in which two or more candidates for mayor shall have received an equal number of votes, the officer presiding over the election shall have

Casting vote.

a casting vote in favor of one of them ; and in the case in which the candidates for the office of councillor shall, at any poll, have an equal number of votes, then the deputy, acting at such poll, shall give his vote in favor of one of the candidates ; and the officer presiding over the election shall, within three days after such election, give notice in writing to those persons who have been elected, of their election.

Polls.

9. If one hour after the opening of the meeting more than one candidate is nominated for the office of mayor, or more candidates than there are councillors to be elected, then the officer presiding or the deputy, at the request of twelve electors, shall proceed without delay to hold a poll and to record the votes of the electors in the manner provided by this act.

Old municipal acts continued.

4. All the by-laws, ordinances, agreements, provisions, engagements, contracts and things passed and consented to by the council of the village of West Farnham, shall continue to have their full force and effect in the said town of Farnham, in the same manner as if this act had not been passed ; and this until the said by-laws, agree-

ments and contracts shall have been regularly rescinded or completed by the corporation of the said town ; and the said corporation as constituted by the present act shall succeed and be substituted, for all purposes whatsoever, of new corporation to and in the obligations, rights and claims of the municipal council of the village of West Farnham.

**5.** The said council shall have the right of passing by-laws for making and maintaining bridges, discharges, slides, crossings and fences, any law to the contrary notwithstanding.

**6.** The said council shall continue alone to have the right of granting and delivering certificates to obtain tavern licenses, any law, usage and municipal by-law to the contrary notwithstanding. License certificates.

And the said council shall have power to pass by-laws :

1. To govern and manage all shops, tavern-keepers and persons selling spirituous, vinous and fermented liquors, in retail, in any place whatever, as they may deem necessary and useful for the prevention of drunkenness ; Shops, etc.

2. To prevent the sale of any intoxicating liquor to any minor, apprentice or servant. Servants, etc.

**7.** The town council may, at any time, enter into any agreements it may deem expedient, in the interests of the said town, with any person or company having established or intending to establish any industry or manufactory within the town limits ; and to assist and encourage such industry and manufactory, the said council may make a gratuitous or onerous gift of any sum of money, land or material, payable within the delays established by such council, and all such sums of money, interest, gratuitous or onerous gift, shall only be so granted to aid such industry or manufactory after a by-law for that purpose, containing the conditions of such aid, shall have been adopted by a majority of the said council, and provided also that such by-law, having been submitted to the approval of the electors of the said town, shall have been ratified by a majority of the said electors. Encouraging industry. Means. Conditions.

**8.** The first municipal elections of the said town shall be 1st election, held in the month of January, 1878, and then subsequently every two years as provided in this act.

**9.** The mayor and councillors of the village of West Farnham shall continue to be the mayor and councillors of the said town until replaced as aforesaid. Present mayor and councillors.

Approval of  
by-laws.

**10.** Whenever any by-law shall be submitted to the approval of the electors, it shall be so submitted in conformity with, and as provided for in the said town corporations' general clauses act.

Qualification  
required for  
mayor.

**11.** In paragraph four of section 39 of the said town corporations' general clauses act, and in the third line thereof, the words "one thousand" shall be replaced by the words "four hundred."

Exceptions to  
40 V., c. 29.

**12.** Sections 18, 50, 52, 57, 58, 63, 64, 70, 79, 80, and 88 of the said town corporations' general clauses act, shall be expressly excepted, and shall not form part of the laws governing the said corporation of the town of Farnham.

Act in force.

**13.** This act shall come into force on the day of its sanction.

## C A P . X L V I I .



An act to consolidate and amend the act to incorporate the town of Berthier and the act which amends the same.

[Assented to 28th December, 1876.]

Preamble.

WHEREAS the act of the parliament of Canada, passed in the twenty-ninth year of the reign of Her Majesty, chapter 61, intituled: "An act to incorporate the village of Berthier as a town," and the act which amends the same, have become insufficient, and whereas it is expedient to enact new provisions relating to the corporation of the town of Berthier; and whereas a petition has been to that end presented and it is advisable to grant the prayer thereof; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Corporation  
continued.

Name.

Seal.

Certain  
powers.

**1.** The inhabitants of the town of Berthier, as herein-after described, and their successors, have been and are a body politic and corporate under the name of "The mayor and council of the town of Berthier." They shall have a common seal, with power to alter and modify the same at pleasure, and shall be capable of giving or accepting any notes, bonds, obligations or other instruments or securities for the payment of any sum of money borrowed or loaned, and for the execution of any other duty, right or thing whatsoever.

2. The said town of Berthier shall be bounded in front by the river St. Lawrence ; on one side to the north-east by the river Bayonne ; to the north-west and in the rear by a small stream the confluence whereof with the river Bayonne is situated between the property of the representatives of Peter Ralston and the farm belonging to Joseph Deroin or his representatives, the rear line along the said stream from its said confluence with the river Bayonne, to a boundary near Church street, and thence in a straight line to another boundary situate to the south-west of St. Louis street, passing between the farm belonging to the Fabrique of the parish of Berthier, and the farm of Louis Marie Raphael Barbier or his representatives ; thence from the south-west side of the line road towards the north-west, along the line which divides the said line road from the farm of the said Louis Marie Raphael Barbier, to the rear line of the lot of the Berthier Academy ; thence towards the south-west along the said rear line of the lot of the said academy to the western angle of the said lot ; thence from the said western angle along the south-west line of the said lot to the southern angle of the said lot ; thence from the said southern angle in a straight line parallel to the said line road, until the said line strikes a road or street in front of the farm occupied by the said Louis Marie Raphael Barbier or his representatives ; and thence in a straight line on a south course to a boundary placed on the farm of the heirs of Louis Généreux, at a distance of three arpents and one perch from the river St. Lawrence ; and lastly, on the other side towards the south-west by a straight line drawn from the said cross, running parallel to the lateral lines of the said farm of the heirs Généreux, until the said line reaches the river St. Lawrence.

3. The town shall be divided into three wards : Wards, and the east ward, the centre ward and the west ward ; the limits of the east ward shall be from the river Bayonne to a parallel line running through the centre of Joseph street, from the river St. Lawrence to the boundary line of the said town in the rear ; the centre ward shall commence at the said line and shall extend upwards to the south-western side line of the land belonging to the congregation of St. James, at present occupied by the Reverend William Merrick ; the west ward shall commence at the latter line and shall extend to the south-western boundary of the said town.

4. The councillors and officers of the said town at present in office, shall remain in office until the expiration of their terms, and shall be replaced in virtue of the provisions of the present act. The by-laws, orders, rolls Existing councillors, officers and municipal by-laws, to remain.

and municipal acts of the town of Berthier in force at the passing of this act, shall continue to be in force until they are annulled or repealed by the council of the town.

#### CONSTITUTION OF THE COUNCIL.

Composition  
of the coun-  
cil.

**5.** There shall be elected, from time to time, in the manner hereinafter provided, a fit person to be, and who shall be called "The mayor of the town of Berthier," and six fit persons, two for each ward of the said town, to be, and who shall be called "councillors of the town of Berthier," and such mayor and councillors for the time being shall form the council of the said town. The mayor shall, *ex-officio*, be a justice of the peace within the limits of the said town, during his tenure of office, without being obliged to take the oath pertaining to such office.

Mayor to be  
justice of the  
peace.

1st election.

**6.** At the next municipal election, which shall be held in January, eighteen hundred and seventy-seven, there shall be elected to replace those then retiring from office, three councillors and a mayor, one councillor by the electors in each ward.

Subsequent  
elections.

**7.** At each subsequent annual election, three councillors shall be elected, one for each ward, by the electors of such ward, to replace those retiring from office.

Quorum.

**8.** Four members of the council shall form the quorum.

Duration of  
office.

**9.** The councillors shall be elected for two years, and remain in office until their successors are appointed.

Retirement of  
councillors.

**10.** The system of voting for the retirement of councillors shall continue to be used.

#### LICENSES AND FERRIES.

Ferries.

**11.** The council of the said town shall grant licenses or permits for ferries between both banks of the river St. Lawrence, to land at or near the said town of Berthier, but this provision shall not affect in any manner the already existing rights of any municipality concerned in the granting of such licences.

Fees.

**12.** The sums collected for such permits or licenses for ferries, shall form part of the funds of the said town.

Control of  
ferries.

**13.** Such ferries shall be under the joint control of the councils of the said town and of the municipality with which they communicate. If such councils do not agree

upon the conditions, restrictions and rates of toll, then the lieutenant-governor shall enact regulations for that purpose.

#### IMPOSITION OF TAXES.

**14.** In order to raise the necessary funds to meet the expenses of the said council, and to provide for the necessary and advantageous public improvements of the said town, the said town council shall be authorized to levy annually on persons and on movable and immovable property in the said town, the taxes herein-after designated, that is to say :

1. On all lands, town lots or parts of lots, whether there be buildings erected thereon or not, with all buildings and erections thereon, a sum not exceeding one cent in the dollar on their value, as entered in the assessment roll of the said town ;

2. On the following movable property, a sum not exceeding one half of a cent in the dollar, on the value hereinafter specified ;

Every stallion kept for covering mares shall be rated at four hundred dollars ;

Every horse kept for hire, at sixty dollars ;

Every horse above the age of three years and kept for domestic purposes, at forty dollars ;

Every bull, at fifty dollars ;

Every ram, at twenty dollars ;

Every head of horned cattle, aged two years and more, at twenty dollars ;

Every covered carriage, with four wheels, at one hundred dollars ;

Every open carriage, with four wheels, at fifty dollars ;

Every two-horse sleigh, at forty dollars ;

Provided always, that every winter or summer vehicle, used solely for drawing loads, and all vehicles commonly called draught or work vehicles, as well as all horses, cattle, farm stock, and all implements used for agricultural purposes, shall be exempt from any municipal tax whatsoever ;

3. On all stocks in trade or goods kept by merchants or traders, and exposed for sale on the shelves in shops or kept in cellars or store-houses, a tax of not exceeding one half per cent, on the estimated average value of such stocks in trade ;

4. On each tenant paying rent in the said town, an annual sum not exceeding three cents in the dollar on the amount of such rent ;

5. On each male inhabitant of the age of twenty-one years, who shall have resided in the said town for six months, and not being a proprietor or tenant, apprentice, or a domestic servant, an annual sum of one dollar;

6. On every dog kept by persons residing in the said town, an annual sum not exceeding one dollar.

**Taxes on inn-keepers.**

**15.** It shall be also lawful for the said town council to fix, by a by-law or by-laws, and to impose and levy annual taxes on the proprietors or occupants of houses of public entertainment, taverns, coffee-houses, and eating-houses, and on all retailers of spirituous, vinous and fermented liquors, or to impose a duty or tax on their respective electors' certificates, when approved by the council for the obtaining of their licence; on all proprietors, possessors, agents, managers and agents of theatres, circuses, billiard-rooms, bowling alleys or other games or amusements of any kind whatsoever; and on all auctioneers, grocers, bakers, butchers, hawkers, hucksters, carters, livery-stable keepers, brewers and distillers; and on all merchants and manufacturers and their agents; and on all proprietors or keepers of wood-yards, or coal-yards and slaughter-houses, and on all money-changers or exchange brokers, pawn-brokers and their agents, on all bankers and banks and their agents, on all insurance companies and their agents, brokers or commission merchants or employees; on all telegraph companies and their agents or operators; on all manufacturers of ginger beer, spruce and root beer and the agents or agencies of each of them; on all brick manufacturers, timber merchants, proprietors or occupants of mills moved by steam or water power, and of tanneries; on all large scales; upon all bailiffs residing in the said town; and, on all commerce, manufactures, callings, arts, trades and professions exercised in the said town, whether the same be or be not mentioned in this act and on all persons by whom they may be exercised or put in operation within the said town, either on their own account or as agents for others, and on the places in or on which they are or may be made, exercised or put in operation.

**Theatres, etc.**

**Auctioneers, etc.**

**Merchants, etc.**

**Wood-yards, etc.**

**Telegraph companies.**

**Manufacturers, etc.**

**Bailiffs.**

**Commerce, professions, etc.**

**Workmen divided into classes; rate of taxation.**

**Advocates, physicians, etc.**

The workmen of all mechanical arts and trades, exercised in the said town, shall be divided into first and second classes, by the persons appointed by the said town council to make the roll of movable property, and shall be taxed, for those of the first class, at a sum not exceeding two dollars, and those of the second class, at a sum not exceeding one dollar per annum; and every person in the said town, practising the profession of advocate, physi-

cian, land surveyor, or notary, or any other liberal profession, shall be assessed at a sum not exceeding three dollars annually.

**16.** The town council may name one or more persons to make a roll of the persons and movable property mentioned in the two preceding sections. Roll of persons and movable property.

**17.** The council shall also have power to make by-laws to compel all insurance agents, travelling clerks, travelling traders selling by auction or private sale, traders in hay, grain, vegetables or produce, butchers or bakers residing outside the said town who enter therein to exercise their calling, trade or business, to take a license and to exact for the granting of such license, a sum not exceeding fifty dollars; and in default of taking such license, all such persons shall be liable to an imprisonment not exceeding two months; and such license signed by the secretary-treasurer, shall grant to the bearer of such license the right of exercising his calling, trade or business during one year from the date of such license. Trade licenses.

**18.** The council shall also have power to compel all person who shall temporarily come into the said town to sell goods from bankrupt or other stocks, articles of commerce or effects, either by public auction or private sale, to take a license not exceeding fifty dollars for the sale of such merchandise so brought to and exposed for sale in the said town; such licenses shall be payable upon the demand which shall be made by the secretary-treasurer, and, if they are not paid, they may be collected by a warrant issued under the hand and seal of the mayor, immediately after said default, and addressed to a bailiff; and the said merchandise may be seized and sold for the payment of the said licenses, by such or any other bailiff, under the same rules, responsibilities and penalties as a writ of execution *de bonis* issued from the circuit court. Idem to transient traders. Recovery of payment.

**19.** The council may by by-law compel the members to attend the meetings of the council or of its committees, and to fulfil their duties; and to impose fines upon them for their negligence or omission in the performance of their duties. Members of council.

**20.** Every by-law shall be published in the French language, by reading the same at the door of the Catholic church of the parish of Berthier, in the district of Richelieu, on two Sundays next after the passing of such by-law, and by posting up a copy thereof in two of the most public places in the said town, within fifteen days after the passing thereof; or such by-law shall be published by Publication of by-laws.

said council causing to be posted at the places aforesaid, within fifteen days after the passing of such by-law, a public notice in French, certified by the secretary-treasurer of said town, in which mention shall be made of the date and object of such by-law, as well as of the place where the same may be examined.

Sale of properties subject to taxes.

**21.** On the first juridical day of March in each year, the secretary-treasurer shall sell, by auction in his office, the immovable properties on which there shall be due arrears of taxes;

Notice.

2. Notice of such sale shall be given by advertisement published twice during the preceding month of January, in the Quebec Official Gazette and in a newspaper of the district;

3. Such notice shall contain :

- a. The name of the last proprietor or occupant, if known ;
- b. The description of the immovable to be sold ;
- c. Mention of the sum claimed for arrears of taxes ;
- d. Mention of the place, day and hour, at which the sale is to be effected ;

Folle enchère.

4. In default of immediate payment of the purchase price the secretary-treasurer shall immediately put the property up again for sale, or adjourn the sale to any other day within eight days by giving notice thereof in a loud and intelligible voice to the persons present ;

Adjourn-  
ment.

5. If no bid is made, the sale is also adjourned in the same manner to another day within the eight days ;

Certificate.

6. Upon payment of the price, the secretary-treasurer shall certify the particulars of the sale in a certificate in duplicate, of which one is given to the purchaser ;

Adjudication.

7. Whosoever then offers to pay the amount to be levied including the costs for the smallest portion of such property shall become the purchaser, and such portion of the property shall be adjudged to him immediately by the secretary-treasurer ;

Rights of the  
purchaser.

8. The purchaser is then seized of the property adjudged and may take possession thereof, subject to the redemption that may be made as hereinafter prescribed, but during the two years next after the sale, the purchaser cannot carry off any timber, buildings or constructions on the land adjudged to him, nor deteriorate it in any manner.

Redemption.

9. The proprietor may within the like delay of two years, redeem the immovable sold, by paying to the secretary-treasurer the price for which it was sold, with interest at the rate of ten per centum per annum ; every fraction of a year being counted as a full year. The purchaser shall be reimbursed for the costs of all useful repairs and improvements that he has made on the land redeemed, unless he remove them, as well as the amount of the

Reimburse-  
ment.

taxes paid and the cost of the municipal work performed for such land, with interest at the rate of ten per cent. per annum, every fraction of a year being counted as a year. Such claim is privileged upon the property and the purchaser may retain it until fully paid;

10. If the redemption is not effected within the two years, the secretary-treasurer shall give to the purchaser a deed of sale of the immovable, which is enregistered at the diligence and expense of the purchaser; Absolute deed of sale.

11. The action to annul the sale is prescribed and extinguished by two years, counting from the adjudication; but such sale may be resiliated and annulled by consent of the council, the proprietor and the purchaser within the same delay; Action to annul. Prescription.

12. The sale thus effected is final, and has the same effect and transfers the same rights as ordinary judicial sales. Effect of sale.

22. The rank and duration of the privilege upon Privilege of movables or immovables, for the payment of taxes, are taxes. regulated by the civil code.

23. Every proprietor or agent, who shall give a lease or Penalty. a certificate or receipt, setting forth a sum less than the rent really paid for the premises therein mentioned or referred to, and every tenant, who shall present to the assessors of the said town such lease, receipt or certificate, falsely representing the value of the rent, in order to procure a diminution or abatement of his assessment, or who shall directly or indirectly deceive the said assessors as to the amount of such rent, shall be liable, on conviction thereof, to a penalty not exceeding twenty dollars, or to imprisonment not exceeding one calendar month.

24. The provisions of the town corporations' general General application of clauses act passed during the present session, shall apply to the corporation of "The mayor and council of the town 40 V., c. 29. of Berthier," and shall form part of this special act relating (T. corp gen. cl. act.) to the town of Berthier, so as to be considered as forming with it one and the same act, except such provisions as are expressly modified and excepted by this act.

25. Sections 33, 230, 283 and 384 of the town corporations' general clauses act are expressly excepted and shall not form part of the present special act. Exceptions.

26. The words "superior court" in the town corporations' general clauses act are replaced by the words "circuit court in and for the county of Berthier," and the word "prothonotary" by the words "clerk of the circuit court in and for the county of Berthier." Idem.

## PUBLIC NOTICE.

**Publication.** **27.** The publication of a public notice shall be made by posting a copy of such notice at two different places in the said town, from time to time determined on by resolution of the council, and at the door of the Roman Catholic church of the parish of Berthier, and by reading the same on the Sunday after it has been made public, at the close of divine service in the morning, at the door of the said church.

**Omission to read.** **28.** The omission to read such notice does not invalidate the publication thereof; but the persons who were bound, as also those who undertook to read it, shall thereby incur a penalty of not less than two, nor more than six dollars.

**Delay of publication.** **29.** Every public notice given for any object whatever, shall be published at least seven entire days before the day fixed for such object, except in cases otherwise provided; such delay counts from the day in which such notice shall have been posted as aforesaid.

**29 V., c. 61,  
35 V., c. 35  
and other  
acts, repealed.** **30.** The acts 29 Vict., chap. 61, and 35 Vict., chap. 35, and all other acts or portions of acts containing provisions contrary to or inconsistent with the provisions of this act, are repealed.

**Act in force.** **31.** This act shall come into force on the day of the sanction thereof.

## C A P . X L I X .

## An act to incorporate the town of St. Henri.

[*Assented to 28th December, 1876.*]

**Preamble.** **W**HERÉAS the provisions of the municipal code do not meet the present wants of the corporation of the town of St. Henri, and whereas it has become necessary to make more ample provisions for the internal management of the said town; and whereas application to that effect has been duly made; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

## CORPORATION.

**Corporation  
continued.**

**1.** The inhabitants of the said town of St. Henri, and their successors, inhabitants of the same, are and shall

be a body corporate in fact and in name, by and under the name and title of "The town of St. Henri," and as Name. such shall have perpetual succession and a common seal, with power to break, renew, change and alter the same at pleasure; and the said corporation shall be capable of granting and accepting any bill, liabilities, or other instruments or securities, for the payment or securing of the payment of any debt to or by it lawfully contracted, and the performance of any other duty, matter or thing whatsoever.

Seal.  
Certain powers.

#### TOWN BOUNDARIES.

**2.** The town of St. Henri shall comprise all that tract <sup>Boundaries.</sup> of land bounded and described as follows: to the north-east, by the division line of the municipality of the village of Ste. Cunégonde as defined by an act passed in the present session intituled: "An act to incorporate the municipality of the village of Ste. Cunégonde," from the centre of the Lachine canal to the bounds of the village of Notre-Dame de Grâces, as established or hereafter to be established by proclamation of the Lieutenant-Governor; to the north-west, by the said village of Notre-Dame de Grâces as far as the property of Joseph Décarie, junior, No. 188 *a* of the cadastre of the parish of Montreal; to the south-west, by the north-east line of the said lot No. 188 *a*, by the north-east line of the lot No. 188 of the said cadastre, and by the centre of the Côte St. Paul road, to the centre of the Lachine canal; and, to the south-west, by the centre of the said Lachine canal to the said village of Ste. Cunégonde.

#### DIVISION INTO WARDS.

**3.** The said town of St. Henri shall be divided into <sup>Wards</sup> two wards called respectively St. Henri ward and St. <sup>and their boundaries.</sup> Augustin ward, bounded as follows, that is to say:

St. Augustin ward: to the north-east, by the limits of the village of Ste. Cunégonde; to the south-east, by the Lachine canal as far as the Grand Trunk Railway bridge; to the south-west, by the said railroad, following it as far as the centre of the railway bridge at St. Joseph street, thence along the north-west side of St. Joseph street and St. Henri street as far as St. Peter street, and thence along the north-east side of the said St. Peter street as far as the limits of the town of St. Henri; and thence, to the north-east, by the limits of the village of Notre-Dame de Grâces to the village of Ste. Cunégonde.

St. Henri ward: to the north-east, by the limits of St. Augustin ward; to the south-east, by the Lachine canal as far as the south-western limits of the town of St. Henri;

and, to the south-west, by the south-west limits of the said town of St. Henri, as far as the limits of the village of Notre-Dame de Grâces; to the north-west by the said limits as far as the division line of Côteau St. Augustin.

#### TOWN COUNCIL.

Composition of council.

**4.** The council of the town shall be composed of a mayor and eight councillors, four councillors for each ward.

Quorum.

**5.** The quorum of the council shall be five members.

Duration of office.

**6.** The councillors in each ward shall be elected for two years, by the majority of the votes of the electors having a right to vote in such ward.

Option of candidate elected to two offices or wards.

**7.** If any person has been elected at the same time mayor of the said town and a councillor for one of the wards thereof, he shall, within four days after notice of his appointment, declare his option.

If any person has been elected councillor for more than one ward, he shall declare his option within four days after notice of his election, and in default of his so doing, the mayor shall declare for which one of the said wards such person shall serve as a councillor, and from thence-forward such person shall be held to have been elected for such ward only and for no other.

In either case, the office, which shall have been abandoned by the candidate, shall, for such cause, become vacant, and such vacancy shall be filled in accordance with the terms of section 97 of the town corporations' general clauses act.

Present councillors.

**8.** The present councillors of the corporation of the town of St. Henri shall remain in office as councillors of the town of St. Henri, until they are replaced at the general elections which shall be held during the month of January eighteen hundred and seventy-seven.

Election act 40 V., c. 29, to apply.

**9.** The nomination and holding of the polls shall be held at the day and hour fixed by section 52 of the said town corporations' general clauses act; and all the powers conferred by the fourth section of the first part of the said act, on the secretary-treasurer of town councils governed by the said act, are hereby conferred upon the secretary-treasurer of the corporation of the town of St. Henri, and the said first general elections shall be held, with all the formalities prescribed in the said fourth section, in the usual place of meetings of the council of the said town of St. Henri.

**10.** Four of the eight first councillors of the said town of St. Henri, two in each ward, shall retire from office at the time of the next general elections, and so on, from year to year, so that four councillors, two in each ward, shall be replaced every year.

**11.** The four councillors who shall retire from office during the first two years, shall be drawn by lot in the month of December preceding each general election, at a regular meeting of the council of the said town.

If the council shall neglect to proceed to draw such lots, the officer presiding over the election may do so, on the day of the nomination of councillors and immediately after the opening of the meeting.

**12.** The first meeting of the council of the said town of St. Henri shall be held in the usual meeting hall of the council of the corporation of the town of St. Henri.

#### GENERAL PROVISIONS.

**13.** The council of the said town may make all arrangements they judge advisable, and sanction and confirm all agreements already made with the trustees of turnpike roads, concerning roads belonging to them, within the limits of the said town, either by allowing them an annual grant, or by purchasing such roads or otherwise.

**14.** The by-laws, orders, lists, rolls or municipal acts in force in the municipality of the town of St. Henri, shall continue to be in force in the town of St. Henri, until they shall have been repealed or amended by the council of the latter town.

#### POWER TO MAKE BY-LAWS.

**15.** The council of the said town may, in addition to those mentioned in the town corporations' general clauses act, make by-laws for the following purposes, namely :

#### GENERAL PROVISIONS.

**1.** For the good order, welfare, improvement, cleanliness, health, internal economy and local government of the said town, and for the prevention and suppression of all nuisances, and all acts and proceedings in the said town, obstructive, opposed or disadvantageous to the good order, welfare, improvement, cleanliness, health, internal economy or local government of the said town, for the better protection of life and property of the inhabitants of the said town, and to prevent accidents by fire.

## TAXES.

Taxes on  
whole muni-  
cipality ;

2. To levy by means of direct taxation, upon all taxable property, or only upon taxable real estate in the said town, all sums of money necessary to meet the expenses of administration, or for any special purpose, within the limits of the powers of the council of the said town.

On a portion  
thereof ;

3. To levy by means of direct taxation, upon all taxable property, or only upon the taxable real estate of persons who, in the opinion of the council of the said town, have an interest in any public work under the direction of the council of the said town, and benefit by such work, all sums of money necessary to meet the construction and maintenance of such work.

On petition ;

4. To levy by means of direct taxation, the funds required for any purpose whatever, within the powers of the council, upon all taxable property or only upon taxable real estate, within the limits of the said town, upon petition of the majority of the rate-payers liable for such tax, to the amount and on the conditions set forth in the petition.

On tenants ;

5. To levy annually upon every tenant who pays rent a sum not exceeding three cents in the dollar, upon the amount of such rent.

Personal.

6. To levy annually upon the male inhabitants of the age of twenty-one years and over, resident in the said town and not otherwise taxed, a sum not exceeding one dollar.

Limit of debt.

7. The council of the said town shall not of itself contract debts for a sum exceeding in all fifteen per cent of the total valuation of the taxable property of the said town.

## PUBLIC AND PRIVATE MARKETS.

Markets.

8. To establish and regulate public markets and private butchers', or hucksters' stalls, and to regulate, or license the sale of fresh or salt meats, vegetables, fish or other articles usually sold on markets ;

## LICENSES.

Sale of li-  
quors.

9. To compel hotel-keepers and tavern-keepers to pay for the granting of a certificate for a license, a sum not exceeding fifty dollars, according to the scale which may be established by the council of the said town, the whole under the penalty which shall be established by the council.

loan.

Bonds.

16. The council of the town of St. Henri is authorized to borrow, on simple resolution, a sum not exceeding twenty thousand dollars, and to issue bonds for a like

amount, bearing interest; and at the same time to impose a special tax upon the taxable real estate in the municipality to pay the interest on and form a sinking fund for the extinction of the loan or bonds above mentioned. The method of collecting the said tax shall be the same as that established by the town corporations' general clauses act. The amount borrowed or raised by the said bonds shall be first applied to the payment of the debts and <sup>How to be employed.</sup> obligations of the corporation. And in the case of bonds being issued, they shall be payable in the manner prescribed by the town corporations' general clauses act.

**17.** The adjustment and division of the joint liabilities and property of the municipality of the heretofore town of St. Henri, shall be regulated between the present town <sup>of joint liabilities with</sup> <sub>dismembered</sub> of St. Henri, and the dismembered portions thereof, in territories. conformity with the provisions of articles 78 to 92 inclusive of the municipal code.

**18.** The council of the said town is also substituted in the rights of the council of the heretofore corporation of the town of St. Henri, in respect of the collection of taxes and claims still due to the said corporation and of the adjustment of the debts due by the late parish of Montreal.

**19.** The council of the said town shall have power to <sup>Redemption of bonds.</sup> redeem by means of the sinking fund which it may establish, in any manner that it may deem suitable and at any time whatever, the said bonds issued in virtue of this act.

**20.** The council of the said town of St. Henri may <sup>Police force.</sup> make any arrangement with any neighbouring municipality, to cause it to contribute to the maintenance of a police force and of the staff necessary to the working of <sup>Fire brigade.</sup> a system of protection against fire, of which such municipality may desire to benefit.

**21.** The said town of St. Henri shall be governed <sup>Act 40 Vic.,</sup> by the town corporations' general clauses act, except in <sup>c. 29, to apply.</sup> so far as the provisions of the said act are inconsistent with the provisions of this act.

**22.** The present act shall come into force on the day <sup>Act in force.</sup> of its sanction.

## C A P . L .

An act to amend the act to incorporate the city of St. Hyacinthe.

[Assented to 28th December, 1876.]

## Preamble.

WHEREAS it is expedient to amend the act to incorporate the city of St. Hyacinthe, 34 Vict., cap. 39, (1870); Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

34 V., c. 39, 1. Sections ninety-three, ninety-four and ninety-five of the said act are hereby repealed, except the eighth sub-section of the ninety-third section, and the following are substituted for the same:

Taxes : " 93. In order to raise the necessary funds to meet the expenses of the city council, and to effect the several necessary public improvements in the said city, the said city council shall have power to levy annually upon persons and upon movable and immovable property in the said city, the taxes hereinafter set forth, that is to say: on every piece of land, town lot or part of a town lot, whether there be or be not buildings thereon, a sum not exceeding three fourths of a cent in the dollar, on their full real value, as entered in the valuation roll of the said city; but no land under cultivation or leased as a farm within the limits of the said city, shall be taxed by virtue of this act, except the lot on which the buildings shall be erected, which shall be valued together with such buildings; and the said city council shall have power to cause to be added to the valuation roll, at any time, any part of such land under cultivation, which shall have been detached from it as a town lot, and shall thus have become liable to assessment, after the closing of the valuation roll, and to exact the tax, as on other pieces of land entered on the said roll."

## Exception;

On certain  
movables;

" 2. On every proprietor or possessor of the following movable property, a sum not exceeding one cent in the dollar, according to the value hereinafter specified:

Every stallion shall be rated at four hundred dollars;

Every horse above the age of three years, and kept for the ordinary purposes of any house, at one hundred dollars;

Every covered carriage with four wheels and two seats, at two hundred dollars;

Every open carriage with four wheels and two seats, at one hundred dollars;

Every gig or light waggon with one seat, at fifty dollars;

Every two horses sleigh, at one hundred dollars ;

Every one horse sleigh, at fifty dollars ;

Every winter or summer vehicle used solely for drawing loads, and all vehicles commonly called draught or work vehicles, as well as all farm stock, and all implements used for agricultural purposes, shall be exempt from any tax whatever ;

3. On every stock in trade or on all goods kept by merchants or traders, and exposed for sale on shelves in shops, or kept in store-houses, hangards or yards, a tax of fifty cents on every hundred dollars of the estimated average value of such stock in trade or goods ;

4. On each tenant paying rent in the said city, an annual sum equivalent to five cents in the dollar on the amount of his rent ;

5. On each male inhabitant of the age of twenty-one years or upwards, who shall have resided in the said city for six months, and not being a proprietor, nor tenant, nor student, nor apprentice, nor a domestic servant, an annual sum of one dollar ;

6. On every person, having or keeping a dog or dogs in the said city, an annual sum of two dollars for each dog ;

7. On every person, having or keeping a bitch or bitches in the said city, an annual sum of five dollars for each bitch."

"94. The workmen of all arts, mechanics and trades exercised in the said city shall be divided into two classes ; the first shall comprise all the shop-masters employing four hands or more, and contractors and undertakers, and the second all other workmen. Those of the first class shall be taxed annually at five dollars, and those of the second class, at one dollar."

"95. Any person keeping an office in the said city and practising as an advocate, or physician, or land surveyor, or notary, or dentist, or surgeon, or oculist, or any other liberal profession, shall be taxed at the sum of five dollars annually."

2. Section ninety-one of the said act is amended by adding after the word "loan," in the second line, the following words : "nor engage the liability of the rate-payers for any sum exceeding eight thousand dollars."

3. The following paragraph is added to section forty-seven of the said act :

"No member of the council shall take part in the discussion of any question in which he has a personal interest. The council in case of dispute shall decide whether the member has or has not a personal interest in the question ; and such member has no right to vote on the question."

s. 11, re-  
placed.

tion of his interest. This paragraph shall not apply to the appointment of the head of the council, nor to the naming of committees."

4. Section eleven of the said act is repealed, and the following substituted therefor :

"11. The following persons shall not be appointed to, nor occupy municipal offices :

Persons dis-  
qualified  
from holding  
office.

1. Minors ;

2. Persons in religious orders and ministers of any religious denomination ;

3. Members of the Privy Council ;

4. The Judges of the Supreme Court, the Court of Queen's Bench, the Superior and Vice-Admiralty Courts, district or police magistrates and sheriffs ;

5. Officers of Her Majesty's army or navy on full pay, and the officers and men of the provincial or local police ;

6. Keepers of taverns, hotels or houses of public entertainment, or persons who have acted as such, within the preceding twelve months ;

7. Persons responsible for city funds ;

8. The deputies or clerks employed at any election under this act, when they shall be thus employed ;

9. Whosoever shall not have his domicile or place of business within the limits of the said city, shall be incapable of exercising any municipal office in the city ;

10. Whosoever shall receive any money or other consideration from the corporation for his services, or shall have directly or indirectly, by himself or by his partner, any contract or an interest in any contract, with the corporation, cannot be appointed a member of the council of such corporation nor act as such.

Nevertheless a shareholder in any incorporated company which shall have any contract or agreement with the corporation, shall not be incapable of acting as a member of the council of such corporation.

The word "contract" in this section shall not apply to the lease, sale or purchase of lands, nor to any loan of money, nor any agreement connected with any of these acts."

s. 13,  
amended.

5. The thirteenth section of the said act is amended by striking out, in the second and third lines thereof, the words "male inhabitants, freeholders, residing in the said city," and substituting therefor the words : "male proprietors," and also by striking out in the seventh line thereof the words : "reside and."

s. 14, re-  
placed.

6. The fourteenth section of the said act is repealed and the following is substituted therefor :

Polling place. "14. Electors shall not vote except at the poll of the ward in which they are qualified as such ;

If an elector is qualified to vote in more than one ward, he may vote for the election of councillors in each ward in which he is thus qualified.

If any one is in possession as proprietor in the city, of lands situated in different wards and insufficient separately to qualify him to vote in any particular ward, he may vote for the election of mayor, and for the election of councillors in the ward in which he shall reside; provided that the total value of such lands united, shall be sufficient to qualify him as a municipal elector according to the requirements of this act.

7. Any law to the contrary notwithstanding, the city <sup>preferential</sup> council of the city of St. Hyacinthe may, in contracting debentures, any loan in conformity with sections 89, 90 and 91 of the act of this province 34 Vict., chapter 39, issue for such purpose, on the credit of the corporation, preferential debentures for an amount not exceeding thirty thousand <sup>Limited in</sup> dollars, the capital, interest and sinking fund whereof <sup>amount.</sup> shall be payable out of the revenues of the corporation, before those of any other debenture now issued by the council of the said city and not yet redeemed;

And all such preferential debentures together with the coupons thereto annexed, shall contain, in addition to the statements required by the sections hereinabove cited, a notice of their priority in rank over all other debentures previously issued.

Such debentures shall be redeemable in thirty years, <sup>sinking fund.</sup> and a sinking fund of one per centum per annum shall be established, to effect and secure their redemption.

8. This act shall come into force on the day of the Act in force, sanction thereof.

#### C A P. L I.

An act to amend the act incorporating the city of Three Rivers, 38 Victoria, chapter 76.

[Assented to 28th December, 1876.]

WHEREAS it is desirable to amend the act of the Preamble. Legislature of Quebec, passed in the thirty-eighth year of Her Majesty's reign and intituled: "an act to amend and consolidate the act of incorporation of the city of Three Rivers, and the various acts which amend the same;" Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

38 V., c 76, s.  
8, amended.

**1.** The following words are added to section eight of the act hereby amended; that is to say: "and each such deputy of the officer presiding over the elections, shall immediately by a commission under his hand and seal according to form A, appoint a competent person as a poll clerk to assist him in the execution of his duties; which clerk, before acting as such, shall take and subscribe before the officer presiding over the election or the deputy who has appointed him, or before a justice of the peace, the oath set forth in form B, and each such clerk shall be held and obliged to aid and assist the deputy presiding officer and obey his orders."

Poll clerk.

Deputy pres-  
siding officers  
and poll  
clerks incom-  
petent to act.

**2.** If any deputy of the officer presiding over the elections or clerks of the said deputies should die, or if he be prevented from fulfilling the duties of his office by sickness, absence or other cause, or should he refuse to accept such office or to fulfil the duties thereof, the officer presiding over the elections shall immediately appoint another deputy or the deputy shall appoint another clerk to replace the deputy or clerk in default.

s. 14, amend-  
ed.Municipal  
elections ;  
date ;  
nomination.Receipt and  
notice of sec-  
treas.

Acclamation.

**3.** Section 14 of the said act hereby amended is repealed and annulled and the municipal elections in the said city shall be in future held as follows: on the last Tuesday in June in each year, or on the following day if such Tuesday is not a juridical day, at least twenty-five municipal electors, duly qualified, shall deposit in the hands of the secretary-treasurer of the said city in his office, before four of the clock in the afternoon, a nomination in writing signed by them, of the person whom they intend to propose as a candidate at the said election for mayor, and at least fifteen municipal electors duly qualified to vote in any ward of the said city, shall also, before four of the clock in the afternoon, deposit in the hands of the said secretary-treasurer a nomination in writing signed by them, of two persons whom they intend to propose to be candidates respectively, at the said election for alderman and councillor for the said ward, in the case in which it shall in that year be necessary to elect both an alderman and councillor for such ward; and the said secretary-treasurer shall be obliged to give over a receipt for each nomination paper, and shall notify the officer presiding over the election of the names and surnames of the persons who have thus been nominated, and if there has been

only one candidate nominated for the office of mayor, the said officer presiding over the election shall proclaim him duly elected, on the first Monday of July following, at nine of the clock in the morning, at the door of the city-hall; and if several candidates for the mayoralty have been nominated, polling shall be opened, in each

ward of the said city, as prescribed in the following sections. And if in any ward of the said city only one candidate has been nominated as alderman or councillor for such ward, the deputy appointed for such ward by the officer presiding over the said elections, shall proclaim such person duly elected, on the first Monday of July following, at ten of the clock in the morning, at the door of the poll-house of such ward.

4. The nomination of a candidate for the mayoralty or the office of alderman or councillor, as well as the receipt of such a nomination shall be in the forms C and D annexed to this act. And upon notice given by the secretary-treasurer to the officer presiding over the elections that more than one person has been thus nominated for the said offices of mayor, alderman or councillor, the said presiding officer shall, within the next twenty-four hours, give public notice thereof, by posting up the same in the public places in the city.

5. When it shall be necessary to hold a poll for the election of a mayor, alderman or councillor, it shall be the duty of the officer presiding over the elections, at least two days before the voting, to furnish each of his deputies with the list or a copy of the list containing the names of the electors having a right to vote at the poll-house for which such deputy has been appointed and to give to each such deputy a ballot box, to receive the ballot papers of the electors.

6. Such ballot box shall be made of durable material, with lock and key, and a slit or narrow opening in the top, so constructed that the ballot papers cannot be withdrawn therefrom, without opening the box.

7. The officer presiding over the elections shall also furnish his deputy in each ward with a sufficient number of ballot papers to supply the number of electors entitled to vote at the poll of such ward, and with the necessary materials to mark their ballot papers.

All ballot papers shall, in each ward, be of the same description, and as nearly as possible alike.

8. The ballot paper of each elector shall be a printed paper with an annex drawn up according to form E, without a bar to the right of the names, specifying the names and description of the candidates alphabetically arranged in the order of their surnames, or if there be candidates with the same surname, in the order of their Christian names.

Idem.

**9.** The names and description of each candidate shall be set forth on the ballot paper, as they shall have been set forth on the nomination paper.

Different colors.

**10.** When at any election the electors shall be called upon to vote for more than one member of the council, there shall be one ballot paper for each such member, and the ballot papers for the election of the mayor shall be printed on white paper, those for the election of alderman on red paper, and those for the election of councillor on blue paper.

Ballot papers to voters.

And each voter shall receive from the deputy presiding over the election in the ward in which such voter should vote, as many ballot papers as he has votes to give, and each such voter after having inscribed his vote in the manner hereinafter prescribed, on each such ballot paper, shall return them together, folded separately, to the said deputy presiding officer.

Instructions as to manner of voting.

**11.** The officer presiding over the elections shall also furnish each of his deputies with at least ten printed copies of the instructions that should govern the electors in their manner of voting; and, on the polling day, each such deputy shall cause copies of such instructions to be posted up, on or before the opening of the poll, in some conspicuous places outside the poll house and in each compartment thereof.

To be posted up.

**12.** The polling shall take place in each of the said wards, on the first Monday of July, and shall commence at ten of the clock in the morning at the place fixed upon by the officer presiding over the said elections as aforesaid, in a room or building of convenient access, with a door for the admittance of the voters, and having, if possible, another door through which they may leave, after having voted.

Compartments.

**13.** One or two compartments shall be made within the polling room, so arranged that each voter may be screened from observation, and may, without interference or interruption or intimidation from any person whomsoever, mark his ballot paper or papers.

Who may remain in room.

**14.** In addition to the said deputy presiding officer and the poll clerk, no persons other than the candidates, and their agents or representatives, not exceeding two in number for each candidate, shall be permitted to remain in the room where the votes are given, during the whole time the poll remains open.

In the absence of agents or representatives appointed by any candidate, two electors may, on their application to such effect, represent such candidate.

**15.** The agents or representatives of each candidate shall take the oath in the form F annexed to this act, to keep secret the names of the candidates for whom any one of the voters may have marked his ballot paper in their presence, as prescribed by section 26 of this act. Oath of agents.

**16.** At the hour fixed for opening the poll, the deputy presiding over the election and the poll clerk shall, in the presence of the candidates, their agents, or the electors present, open the ballot box, and ascertain that there are no ballots or other papers in the same. Box to be examined.

The box shall thereafter be at once locked, and the deputy presiding over the election shall keep the key thereof.

**17.** Immediately after the ballot box shall have been locked, the deputy presiding over the election shall call upon the electors to vote. And it shall be the duty of the said deputy presiding over the election to facilitate the admittance of every elector into the poll, and to see that he is not impeded or molested in or about the poll, during the said election. Voting. Duties of deputy.

**18.** Each elector, being introduced, one at a time for each compartment, into the room where the poll is held, shall declare his name, surnames and additions, which shall be at once recorded in a poll book to be kept for that purpose by the poll clerk, in the form G annexed to this act. Voting.

**19.** If such name be found on the list of electors for such ward, the voter shall receive from the deputy presiding over the election a ballot paper, on the back of which such deputy shall have previously put his initials, and on the annex a number corresponding to that opposite the voter's name on the voter's list. Idem.

**20.** Nevertheless any elector so presenting himself, before receiving his ballot paper or papers, if thereunto required by the deputy presiding over the election, the poll clerk, one of the candidates or one of their agents, or by any elector present, shall take the following oath, and under such oath answer affirmatively to questions number 1, 2, and 3, and in the negative to questions number 4, 5, 6 and 7, of this section : Oath of voters.

" You swear to answer the truth and nothing but the truth to the questions which will be put to you. So help you God.

1. Are you (*name of voter as entered on the list,*) whose name is entered on the list of electors now shown to you?

2. Are you a resident of the city of Three Rivers? (if he be)

*a proprietor) or have you resided and paid a rent of at least thirty dollars for a house or a part of a house, in the city of Three Rivers, during the year immediately preceding the election? (if he be a tenant.)*

3. Are you of the full age of twenty one years?

4. Have you voted before at this election, at this or any other poll?

5. Has any promise been made to you, or to your wife, or to any of your relations, friends or other person, to induce you to vote at this election?

6. Have you received any thing, either by yourself or through your wife or any member of your family, or in any other manner, to induce you to vote at this election, or in relation to your vote at this election, or are you acting, have you acted or do you intend to act, in the interest of any candidate at this election either as paid carter or paid canvasser, with the view of obtaining anything for your trouble?

7. Have you been guilty of any other corrupt practice which disqualifies you from voting at this election?"

When ballot paper to be refused.

**21.** No ballot paper shall be given to any elector who shall have refused to take the oath or affirmation mentioned in the preceding section, when thereunto required, or who having taken the same, shall not have answered in the manner prescribed in such preceding section.

Oath required by deputy.

**22.** Whenever any deputy presiding over the election has reason to know or believe that any person presenting himself to vote, has already voted at the election, and presents himself with the view of voting again, or that such person desires to vote under a false name or designation, or falsely gives himself out or represents himself as entered upon the list of electors, such deputy presiding over the election, whether he be required to do so or not, shall administer to such person the oath authorized by law.

Mark of ballot paper.

**23.** The elector, on receiving the ballot paper, shall forthwith proceed into one of the compartments and shall there mark his ballot paper or papers, making a cross with a pencil opposite the name of the candidate or candidates for whom he intends to vote, after which he shall fold them up and hand them to the deputy presiding over the election.

Examination of ballot paper.

**24.** Such officer shall ascertain by examination of his initials and of the number, without unfolding the same that such ballot paper is the same supplied by him to the voter, and after having detached and destroyed the annex, he shall, immediately and in the presence of the voter, place the same in the ballot box.

**25.** The poll clerk shall enter in the poll book, opposite <sup>Entry.</sup> the name of each elector presenting himself to vote:

1. The word "voted," as soon as his ballot paper shall have been deposited in the ballot box;

2. The word "sworn," or "affirmed," if the elector has taken the oath or affirmation; or

3. The words "refused to be sworn" or "refused to affirm," if the elector has refused to take the oath or affirmation.

**26.** The deputy presiding over the election; on application of any voter who is unable to read or write, or is <sup>Voter unable to mark ballot paper.</sup> incapacitated by blindness or other physical cause from voting in the manner prescribed by this act, shall assist such elector:

1. By marking his ballot paper or papers in favor of the candidate or candidates mentioned by the voter, in the presence only of the sworn agents or of the sworn electors, as the case may be; and

2. By placing such ballot paper in the ballot box.

Whenever a ballot paper shall have been prepared in conformity to this section, mention of the fact shall be made in the poll book opposite to the name of such voter:

**27.** Any person who is entitled to vote in any of the <sup>Votes of election officers or agents.</sup> wards of the said city, and who has been appointed deputy of the officer presiding over the elections, or poll clerk, or agent of one of the candidates, for a ward other than the one where he is entitled to vote, shall, on request, receive from the officer presiding over the elections, a certificate showing his right of elector, and authorizing him to vote at the poll where he shall be employed.

On the production of such certificate, such person may vote in the usual manner at such poll, instead of voting at the poll where he would otherwise have been entitled to vote.

Mention shall be made in the poll book, opposite the name of such voter, of the fact of his having voted under this section.

**28.** If an elector has inadvertently marked, spoiled or torn the ballot paper or papers given him, in such manner <sup>New ballot paper.</sup> that they cannot be conveniently used, he may, on delivering the same to the deputy presiding over the election, obtain other ballot papers.

**29.** No person shall vote more than once at the same <sup>Only one vote.</sup> election; nor shall any person, who has already refused

to take the oath or affirmation required by section 20 of this act, be allowed to vote or to offer his vote.

Vote under  
same name.

**30.** If a person representing himself to be a particular elector named on the list of electors, applies for a ballot paper or papers after another person has voted as such elector, the applicant, upon taking the oath specified in section 20, shall be entitled to vote as any other elector.

Mention shall be made in the poll book of that fact, as well as the oath taken by such voter, and of the objections made to such vote on behalf of any of the candidates and of the name of such candidate.

Interpreter.

**31.** Whenever the deputy presiding over the election shall not understand the language spoken by any elector claiming to vote, he shall swear an interpreter, who shall be the means of communication between him and such elector.

Vote how  
given.

**32.** Every elector shall vote without undue delay, and shall quit the poll as soon as his ballot paper or papers have been put into the ballot box.

Ballot paper  
taken away.

**33.** No elector shall be allowed to take his ballot paper or papers out of the poll under the penalty of being *ipso facto* deprived of his right to vote, and further of incurring a penalty not exceeding one hundred dollars, or imprisonment not exceeding three months in default of payment.

Vote to be  
secret.

**34.** No person shall, directly or indirectly, induce any voter to display his ballot paper or papers after he has marked the same, so as to make known the name of the candidate for or against whom he has so marked his ballot paper.

Idem.

**35.** With the exception of the case in section 26, no person shall interfere with, or attempt to interfere with, a voter when preparing his ballot paper or papers, or otherwise make any attempt to obtain at the poll information as to the name of the candidate for whom any voter at such poll is about to vote or has voted.

Idem.

**36.** Every election officer, candidate, agent and elector in attendance at a poll, shall maintain and aid in maintaining the secrecy of the voting at such poll; and none of such persons shall communicate, before the poll is closed, any information as to whether any person on the list of electors has or has not applied for a ballot paper, or voted at that poll.

**37.** No election officer, candidate, agent, elector, or Idem. other person shall communicate, at any time, to any person, any information obtained in a poll as to the name of the candidate for whom any elector is about to vote or has voted.

**38.** Whoever acts in contravention of any of the provisions of the four preceding sections, shall be liable to a penalty not exceeding one hundred dollars, or imprisonment not exceeding three months in default of payment.

**39.** Whoever,

1. Shall fraudulently put into any ballot box any paper Idem. other than the ballot paper or papers, which he is authorized by law to put in ; or

2. Shall attempt to commit any of the acts specified in this section,

Shall, for each offence, incur, if he be an election officer or other person engaged in the election, a penalty of two hundred dollars, or imprisonment for six months in default of payment, or if he be any other person, a penalty of one hundred dollars, or imprisonment for three months in default of payment.

**40.** No person shall, in any legal proceeding, be required to state for whom he has voted at any municipal election.

**41.** Immediately after the close of the poll, which shall be at four of the clock on the afternoon of the said first Monday of July, the deputy presiding over the election shall immediately open the box containing the ballot papers, and proceed to count the number of votes given for each candidate ; and this in the voting room and in presence of the poll clerk, and of the candidates or their agents, or in the absence of any one of the candidates and his agents, in the presence of at least three electors

**42.** The deputy presiding over the election, on reading and counting the ballot papers, shall reject:

1. All ballot papers which are not similar to those supplied by the said deputy presiding officer ;

2. All those by which more than one vote has been given ;

3. All those upon which there is any writing or marks, or indications by which the voter could be identified.

**43.** After the other ballot papers have been counted, and a list made of the number of votes given to each candidate, and of the number of ballot papers rejected

all the ballot papers indicating the votes for each candidate shall be put into separate envelopes or parcels; those rejected shall also be put into a different envelope or parcel.

All these parcels, after having been endorsed, so as to indicate their contents, shall be put back into the ballot box.

Objections to  
ballot papers.

**44.** The deputy presiding over the election shall take a note of every objection made by any candidate, his agent or any elector present, to any ballot paper found in the ballot box, and shall decide any question arising out of the objection.

His decision shall be final, and shall only be reversed on petition questioning the election or return.

Each objection shall be numbered, and a corresponding number placed on the back of the ballot paper, and initialed by the deputy presiding over the election.

Statement of  
votes.

**45.** The deputy presiding over the election shall make out a statement indicating the number:

1. Of the accepted ballot papers;
2. Of the votes given to each candidate;
3. Of the rejected ballot papers;
4. Of the spoiled and returned ballot papers; and
5. Of the ballot papers which have not been used and which are returned by him.

He shall make and keep a copy of such statement and enclose the original in the ballot box.

Documents  
to be placed  
in the box.

**46.** He shall also place in the ballot box, all lists of electors used by him, after having written at the foot of each of such lists a statement certifying the total number of electors who voted on such list.

The poll book, his commission, that of the poll clerk, their oaths of office, unused ballot papers and all other lists or documents that may have been used or required at such election, shall also be placed by the deputy presiding officer in the ballot box.

Ballot box to  
be locked and  
returned.

**47.** The ballot box shall then be locked and sealed, and shall be returned to the officer presiding over the elections or to his assistant.

Idem.

**48.** If either of these officers be unable to receive or collect the ballot boxes, such boxes shall be delivered to one or more persons specially appointed for that purpose by the officer presiding over the elections.

Such persons, on delivering the ballot boxes to the officer presiding over the elections, shall take the oath given in form H.

**49.** The deputy presiding over the election and poll Oaths. clerk shall respectively take the oaths according to forms I and J, each taking the oath proper to him;

The deputy presiding over the election may take such oath before the poll clerk.

Such oaths shall be annexed to the statement mentioned in section 45.

**50.** Section 18 of the act hereby amended is repealed <sup>38 V., c. 76, s. 18, repealed.</sup> and annulled.

**51.** The deputy presiding over the election on being requested so to do, shall deliver *gratis* to each candidate or his agents, or in their absence to the electors representing him, a certificate of the number of votes given for each candidate, and of the number of rejected ballot papers. Certificate of number of votes.

**52.** Every election officer, candidate, agent or elector in attendance at the counting of the votes, shall maintain and aid in maintaining the secrecy of the voting; and none of such persons shall attempt to ascertain at such counting the name of the voter whose vote is given in any particular ballot paper, or communicate to any person whatever any information obtained at such counting in relation thereto. Secrecy.

Whosoever shall act in contravention of any provision of this section, shall be punishable by a penalty not exceeding fifty dollars or imprisonment not exceeding one month, in default of payment. Penalty.

**53.** The officer presiding over the elections shall, at ten <sup>Opening of the ballot boxes.</sup> of the clock in the forenoon of the day after the election, proceed to open the ballot boxes, in the presence of two witnesses, as also in the presence of the candidates, or their respective agents, if they are in attendance, and shall ascertain the number of votes given, at the poll, for each candidate, from the statements found in the several ballot boxes returned by the deputies or the said presiding officer.

**54.** If the ballot boxes, or any of them, have been destroyed, lost, or not forthcoming, the officer presiding over the elections shall forthwith ascertain the cause of the disappearance of such ballot boxes, and shall procure from the deputy whose box is missing, or from any other person having the same, the lists, statements and certificates required by this act, or copies of these documents. Ballot boxes destroyed or lost.

Each of such documents shall be verified on oath taken before the officer presiding over the elections.

**55.** If in the case of the preceding section, the lists, Number of Digitized by Google

votes how ascertained.

statements, certificates or copies thereof cannot be obtained, the officer presiding over the elections shall ascertain by such evidence as he may be able to obtain, the total number of votes given to each candidate at the several polls, where ballot boxes are missing.

Return and special statements.

**56.** In the case of the two preceding sections, the officer presiding over the elections shall state in his return the circumstances attending the disappearance of the boxes, and the means adopted by him to establish the number of votes polled for each candidate.

Candidates elected.

**57.** The candidate or candidates who, on the final summing up of the votes, shall be found to have a majority of votes, shall be then declared elected.

Casting vote.

**58.** When, on the final addition of votes, an equality of votes is found to exist between any of the candidates, and the addition of a vote would entitle any one of such candidates to be declared elected, it shall be the duty of the officer presiding over the elections, immediately to give, in presence of the persons mentioned in section 53, such additional or casting vote, by declaring in writing, signed by himself, for whom he votes.

In no other case shall the officer presiding over the elections have the right to vote.

Report by officer presiding over elections.

**59.** Immediately after the final addition of votes, the officer presiding over the elections shall report to the secretary-treasurer of the said city, declaring the persons elected either as mayor, alderman or councillor; and shall at the same time, return the poll books kept at the said elections, and all other papers and documents concerning the said election certified by himself, to form part of the archives of the said council, and copies thereof certified by the secretary-treasurer shall be considered authentic in all courts of justice, save that the original may be produced when necessary. He shall also return to the said secretary-treasurer the ballot boxes that have been used during the said elections. All such papers and documents shall remain in the office, in the custody of the said secretary-treasurer, where they shall be open to the inspection of any elector upon payment of twenty-five cents.

In the case of the preceding section, the officer presiding over the elections shall indicate, in his report the name of the candidate or candidates for whom he has given his casting vote.

38 V., c. 76, ss. 15, 17, 18 & 19 repealed. **60.** Sections 15, 17, 18 and 19 of the act hereby amended are struck out, repealed, and annulled.

**61.** Every person who shall vote at an election for mayor, alderman or councillor, without being, at the time of his voting, duly qualified to vote at such election, shall thereby incur a penalty of not less than twenty dollars, nor more than one hundred dollars.

**62.** The following persons shall be deemed guilty of Corruption, bribery and liable to the penalties hereinafter imposed for such offences :

1. Every elector who, directly or indirectly, at any time, before, during or after any municipal election in the said city, demands or receives any money or reward, in the form of a gift or loan or any other pretext, or agrees or stipulates that he shall receive any money, gift, office, employment or other recompense to vote or abstain from voting at such election ; or any candidate at such election, or any other person who shall directly or indirectly, by himself or by an agent, by means of a gift, recompense, promise, agreement or guarantee, corrupt or endeavor to corrupt any elector so that he shall vote or abstain from voting at any election ;

2. Every elector who shall directly or indirectly, by means of any gift, loan, recompense, promise or any other pretext, favor or oblige himself to favor or endeavor to assure the election of any candidate at any municipal election in the said city ;

3. Whoever shall receive any money, gift, recompense or promise, under the form of hiring of vehicles or for loss of time, so as to give his vote, or who shall accept for any article of commerce an excessive price, for his vote or with a view of his abstaining from voting at any municipal election in the said city ;

4. Any candidate or other person who engages or hires a licensed carter for the purpose of conveying electors to the polls ; or any licensed carter who for any money or any gift, reward, or promise, or other pretext, shall loan his waggon, sleigh or other vehicle to any candidate or other person for the purpose of conveying voters to the poll houses during an election.

**63.** Whoever shall infringe any of the provisions of the preceding section, shall incur and pay for each offence a fine of forty dollars, which shall be recovered with costs of suit, and for his benefit, by any person who shall sue for the same before the circuit court or district magistrate's court for the district of Three Rivers, or before any other court of competent jurisdiction ; and every offender found guilty in the above mentioned cases, shall be deprived of the right of voting or of being elected mayor, alderman or councillor of the said city at the municipal election of the following year.

Return to  
Sec. Treas. of  
persons con-  
victed of cor-  
rupt prac-  
tices.

**64.** On or before the first day of June in each year, the secretary-treasurer of the city shall procure from the clerk of the circuit court, or from any other court that can furnish the same, a list of the names of all persons who have been found guilty before the said court during the year, under the preceding provisions, and it shall be the duty of the said secretary-treasurer to strike the names of the said persons from the list of municipal electors, during the time that they shall thus be deprived of their right to vote as aforesaid.

Sale of li-  
quors prohi-  
bited during  
polling.

**65.** Every hotel, tavern, shop or store, licensed for the sale of spirituous or fermented liquors in the said city, shall be closed during all the time that the poll houses shall be opened, under a penalty of one hundred dollars against the keeper of such hotel, tavern, shop or store, if he neglects to close it, and under the same penalty if he should sell or give away any spirituous or fermented liquors, as aforesaid, during the said election.

Fees of offi-  
cers.

**66.** The fees hereinafter mentioned and no others shall be paid to each election officer for his services, at any election as aforesaid, that is to say: to the deputies of the officer presiding over the election, three dollars; and to the poll clerks two dollars.

Option of  
alderman or  
councillor  
elected for  
two wards.

**67.** If any person shall be elected alderman or councilor for more than one ward, he shall, at the first meeting of the council which he attends, declare which one of the said wards he intends to represent, and in such case an election of another alderman or councillor shall be held in the manner prescribed in sub-sections 2 and 3 of section 21 of the said act hereby amended, in conformity however with the new provisions enacted by this act for the election of members of the said council.

38 V, c. 76, s.  
22, replaced.

**68.** Section 22 of the act hereby amended, is hereby repealed and annulled, and the provisions of the said section 22 are replaced by the following, and shall be read for the future as follows, that is to say: "the mayor and aldermen shall be elected for two consecutive years, and shall remain in office until their successors have entered into office, but at least one month before the time of the annual elections of eighteen hundred and seventy-seven, the four aldermen, who in the terms of the aforesaid section 22 of the act hereby amended, should then go out of office, shall draw lots in the manner to be established by the council, and two of the said aldermen who shall have been thus chosen by lot shall go out of office at the next annual municipal elections, and the two other aldermen shall continue in office until the annual elec-

Length of  
office of  
mayor and  
aldermen

tions of eighteen hundred and seventy-eight; so that in future there shall be every year an election of two aldermen; and four councillors shall be annually elected for two consecutive years, and shall remain in office until replaced by their successors."

**69.** Section 28 of the act 38 Victoria, cap. 70, hereby <sup>s. 28, re-</sup> amended, is repealed and replaced by the following section to wit: "In case of the death of the mayor or of an alderman or councillor, or in case the resignation of a member of the council shall have been accepted by the said council, or that a member of the council shall neglect or omit, without the permission of the council, to attend the meetings of the said council during three consecutive months, whether he be present in the said city or absent therefrom, the other members of the said council shall, at the first meeting of the said council after such death or resignation, accepted as aforesaid, or after the expiration of the said period of three months, appoint from among the inhabitants of the said city, duly qualified, a person to replace the alderman, who, in his quality of pro-mayor, shall have, in the terms of section 33 of the act hereby amended, replaced the mayor thus deceased, resigned or absent; or another alderman or councillor to replace the alderman or councillor thus deceased, resigned or absent as aforesaid; provided always that notwithstanding the decease, resignation or absence of said mayor, alderman or councillor, the other aldermen and councillors shall continue to exercise the same powers and duties, which they should have had to exercise, if such death, resignation or absence of the said mayor, alderman or councillor had not taken place." <sup>Vacancies filled.</sup>

**70.** The following words are added to section 28 of the act hereby amended, to wit: "But any member of the said council may resign his said office of mayor, alderman or councillor, and abandon his seat in the said council, by giving written notice to the secretary-treasurer, provided that the reasons which he gives for so doing shall be considered good and sufficient, and that his resignation shall be accepted by the said council." <sup>s. 28, amended. Resignation.</sup>

**71.** The following words are added to section 36 of the act hereby amended, and shall be considered as forming part thereof, to wit: "mentioning the business for which such meeting is called." <sup>s. 36, amended.</sup>

**72.** And whereas there arose, before the said council and committees thereof, enquiries as to facts, in which the interests of justice would be better served if the witnesses produced could be examined on oath, and if power were

Summoning  
of witnesses.

Refusal.

Powers.

Penalty.

Administer-  
ing oath.

Fiscal year.

Limit of an-  
nual expen-  
iture.

Special cases.

Cases of ur-  
gency.

given to the said council and to the committees thereof, to compel witnesses to attend before them; be it therefore enacted that when an enquiry is held before the said council or any committee thereof, the mayor or pro-mayor of the said city, or in their absence, the chairman of the committee (as the case may be) may issue an order enjoining all persons to appear before the said council, or any committee thereof as aforesaid, to give evidence concerning the said enquiry; and whosoever thus summoned, shall neglect or refuse to appear at the time and place indicated in such order, and that no reasonable excuse for such absence be proved before the said council or committee, or if any person appears in conformity with such order and refuses to be examined under oath touching the said enquiry, the said mayor may compel such person to appear and answer all lawful questions by the same means as those used to that end, in ordinary courts of civil jurisdiction, in the Province of Quebec; and every person who shall neglect or refuse thus to appear or refuse to be examined under oath, as aforesaid, shall incur and pay, upon conviction thereof, before the circuit court or before the district magistrate sitting in the said city, the fine and penalty imposed by section 128 of the act hereby amended, for contravening the by-laws of the council; and the mayor or pro-mayor, or chairman of the said committee (as the case may be), is hereby authorized to administer the oath to the said witnesses.

**73.** The fiscal year in the city of Three Rivers shall commence on the first of July, and shall end on the last day of June, both days inclusive, and the taxes, rates, assessments, and contributions imposed and levied each year, shall be deemed to be imposed and levied for that period.

**74.** The sum voted each year by the said council to meet the expenses of the current year, in conformity with section 42 of the act hereby amended, shall in no case exceed the amount of the receipts of the previous year, added to the unexpended balance of the said receipts.

**75.** The council cannot expend over and above the amount thus prescribed, except in the case and under the conditions hereinafter mentioned, but the council may, at any time, change the destination of the sums thus voted.

**76.** In case of urgent necessity, the said council may pass a by-law to levy sums, deemed necessary in addition to those at its disposal, provided that by the said by-law an additional tax shall be imposed, payable in the course of the year in which it shall have been passed and suffi-

cient to cover the amount thus affected, which assessment shall be levied upon all real estate or upon all movable property, trades or occupations, taxable under this act or under the act hereby amended, as the said council may order, and may be recovered and collected in the same manner as ordinary assessments and taxes imposed and levied under this act. But before such by-law shall be passed as aforesaid, it shall be the duty of the secretary-treasurer of the said council to calculate what amount shall thus be necessary to meet the expense, of the current year, after allowing a reasonable proportion for expenses, losses and deficit in the collection of such additional tax, and he shall report the same to the council.

**77.** The following words in section 62 of the act hereby amended, that is to say : "on the first Monday in September, December, March and June," are hereby repealed and struck out, and the said words are replaced by the following, that is to say : "at its first sitting in each month". And the following words are added to the said section 62 of the act hereby amended : "provided that notice shall have been previously given to the said council, by one of the members thereof, of the intention to propose the passing of such by-law. And such notice shall be given at the time, and in the manner that the said council has ordered, or may hereafter order, but the time between the giving of the said notice and the passing of the by-law shall never be less than six days."

**78.** The said council shall have power to make by-laws : By-laws.

1. To establish the direction of all natural water-courses passing over private property in the said city, and to regulate all matters concerning the said water-courses whether covered or uncovered ; Water-courses.

2. To regulate the planting, maintenance and preservation of ornamental trees in the streets, parks, roads and public places in the city ; Trees.

3. To pave, macadamize or plank the whole or part of any street in the said city, and to pay the cost thereof out of the funds of the said city, either in the manner prescribed by sub-sections 1 and 2 of section 70 of the act hereby amended, and in the case in which the said council shall consider that the works necessitated by the paving, macadamizing or planking the said streets or parts of streets, are too expensive to be borne, even in part, by the proprietors of property in the neighbourhood of such works, to authorize the issue, upon the credit of the said city, of corporation debentures or bonds to an amount not exceeding in all the sum of ten thousand dollars.

Bonds for that purpose.

Security.

lars ; which debentures thus issued specially and only for the above mentioned purposes, shall be so issued in the manner and under the conditions prescribed by sections 88 and 90 of the act 38 Vict., cap. 76, hereby amended, for the issue of debentures authorized by the aforesaid sections 88 and 90 of the said act. And the debentures issued in virtue of this section, as well as the interest thereon, shall be secured by special privilege and hypothec upon all the immovable property of the said city.

38 V., c. 76, s. 85, amended.

Aqueduct.

**79.** The following words in section 85 of the act hereby amended, that is to say :—“may be payable by those who consent to receive,” are hereby struck out and annulled, and the aforesaid words so struck out and annulled shall be replaced and shall read as follows, that is to say : “shall be imposed upon and payable as well by those who consent to receive, as by those who refuse to receive.” And the following words are also added to the aforesaid section 85 of the act hereby amended, that is to say : “provided always that if such house, store, workshop, or other building is built at a distance exceeding ten feet from the line of the street in which the water from the said aqueduct is distributed, then the cost of bringing the said water to such building, for the additional distance, shall also be borne by the proprietors and occupants so desirous of having the water.”

Previous notice required.

**80.** The aforesaid water rates shall not be payable by the proprietors or occupants of such houses, stores, workshops, offices, places of business or other buildings, before the said council shall have given them notice that the said corporation is ready and prepared to furnish water to such houses or other buildings as aforesaid, and such notice may be given either in writing, delivered at the residence of the said proprietors or occupants, or by placards or public criers; and if, from the date of such notice until the time fixed for the payment of the said rates, there is an irregular period, then the said rates shall be payable *pro rata* for such irregular period, according to the number of days duration thereof.

Refusal of proprietor to supply water to tenants.

**81.** When the proprietor of any house, store, workshop, office or other building shall refuse or neglect to incur the expense necessary for the distribution of the said water in any such building, subject to the payment of such water rates, and the said corporation shall exact from the tenant thereof the payment of the tax or water-rate imposed by section 79 of this act, the said tenant shall have the right to deduct and retain the sum that he may have thus paid for the said tax, out of the amount of rent which he shall be obliged to pay to the said pro-

prietor, unless the said tenant is obliged by his lease or otherwise to incur the expenses necessary for the distribution of the said water.

**82.** The said council shall also have the power to enter into special arrangements with parties interested, to furnish water for the use of steam engines, baths, breweries, distilleries, manufactories, livery stables, hotels and any other special case ; and in all cases in which the person who shall receive, or have the right to receive water from the said aqueduct, shall neglect or refuse to pay within the delays prescribed by the said council, the tax or assesment exigible under the preceding sections of this act, it shall be lawful for the said council to turn off the water from the buildings of such person, and to cease to furnish him with water, but the said person shall nevertheless continue to be responsible for the payment of the said arrears, and obliged to pay them, as well as all taxes or assessments which shall become due in the future under such by-law.

Water supply  
for machine-  
ry, baths, etc.

Stoppage of  
water.

**83.** It shall be lawful for the said council to pass such by-laws as they may deem suitable to prevent any tenant, holder or occupant of any house or other building furnished with water from the said aqueduct, from selling or giving or permitting to be taken and carried away, or from employing and using such water, for the use and advantage of any other, or for any other use or purpose than his own, or to increase the supply of water agreed upon with the said council or with any of the members or officers authorized to make such agreement, or to waste the said water maliciously or through negligence ; to regulate the time, manner and nature of the supply of water which shall be obtained and furnished by the said aqueduct, the property or persons to whom it shall be supplied, the price to be exacted therefor, and all other things connected therewith, and which shall be regulated, prescribed or determined to furnish to the inhabitants of the said city, a regular and abundant supply of pure and healthy water, and to prevent the said corporation from being defrauded with regard to the water that the said corporation shall supply.

Various regu-  
lations as to  
water.

**84.** Whosoever shall place, or cause to be placed, any pipe or conduit to connect with any pipe or conduit belonging to the said corporation, or shall obtain or make use of water to them belonging, without their consent, shall incur and pay to the said corporation the sum of one hundred dollars, and also another sum of four dollars for each day on which such pipe shall remain ; which sums, with the costs of suit, incurred in that behalf shall be recovered by the said corporation by civil action.

Illegal use of  
water: penal-  
ty.

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before any court of justice in this province, having jurisdiction to that amount.

Bridges over  
St. Maurice  
river.

Bonds for that  
purpose.

Limit.

Form.

Rates.

Coupons.

Security.

Sinking fund  
and interest.

**85.** And whereas the reconstruction of the bridges on the St. Maurice is an absolute necessity for the prosperity of the city of Three Rivers, and for a great many parishes on the north shore of the River St Lawrence, it is hereby enacted that, in case the legislature of this province shall vote and grant a sum of money sufficient to aid the corporation of the city of Three Rivers, to rebuild the said bridges, it shall then be lawful for the said corporation, so as to allow them to complete the said bridges, and the said corporation is hereby authorized, to issue debentures, or otherwise contract upon the credit of the city of Three Rivers, for a debt which shall not exceed the sum of thirty thousand dollars, which debentures thus specially and only issued to complete the reconstruction of the said bridges, shall be under the signature of the mayor, the counter-signature of the secretary-treasurer and the seal of the said corporation, and shall bear interest payable semi-annually upon the first day of January and July in each year, at a rate which may be lawfully stipulated, but not exceeding seven per cent, per annum, and there may be annexed to all such debentures, coupons for the amount of the semi-annual interest thereof, which coupons, being signed by the secretary-treasurer, shall be payable respectively to the bearers thereof, when and as soon as the semi-annual interest therein mentioned shall become due, and they shall be, at the time of the payment thereof, delivered to the corporation, and the possession of any such coupon shall be *prima facie* proof that the semi-annual interest therein mentioned has been paid according to the tenor of such debenture; and every such debenture in interest and principal shall be secured by a special privilege and hypothec upon the said bridges over the river St. Maurice.

**86.** All the provisions of section 90 of the act hereby amended, establishing and specifying the duties of the mayor, council and secretary-treasurer, as regards the creation of a sinking fund for the extinction of the debt created in virtue of section 88 of the aforesaid act hereby amended, and the semi-annual payment of the interest upon the said debt, shall also apply to the creation of a sinking fund for the extinction of the debt created in virtue of the preceding section of this act, and to the semi-annual payment of the interest upon such debt.

Sale of reve-  
nue of  
bridges.

**87.** In the event of the said corporation being authorized to build bridges over the navigable portion of

the river St. Maurice, it shall, after public notice given in two newspapers, sell at auction the revenues of the said bridges for a period of time not exceeding five years, and a new sale by auction of the revenues of the said bridges shall be made at the expiration of the time for which the first sale by auction was had, and so on at the expiration of each time.

**88.** So as to consolidate the debts of the school commissioners for the city of Three Rivers, actually existing and created for the purchase of various property and the construction of new school-houses and the enlarging of old school-houses, the said school commissioners are hereby authorized to issue debentures, or otherwise contract upon their credit, a debt which shall not exceed twenty thousand dollars, bearing interest payable semi-annually on the first day of January and July of each year at a rate not exceeding six per cent, per annum, which debentures thus specially and duly issued to consolidate and extinguish the aforesaid debts, shall be issued under the signature of the mayor and of the secretary-treasurer of the said school commissioners and the seal of the corporation of the said city, and shall be payable to bearer or to order at the expiration of twenty years from the date thereof, either in this province or elsewhere, as the said school commissioners shall order. Provided always that no such debentures shall be issued for a sum less than one hundred dollars each.

**89.** There may be annexed to each such debenture coupons to the amount of the semi-annual interest thereon, which coupons shall be signed by the secretary-treasurer and shall be payable to the bearer thereof, and the possession by the said school commissioners of any such coupon shall be *prima facie* proof that the semi-annual interest therein mentioned has been paid.

**90.** Every such debenture, in interest and principal, security, shall be secured by special privilege and hypothec upon the immovable property of the said school commissioners.

**91.** It shall be the duty of the secretary-treasurer of the sinking fund, said school commissioners to take, each year, from and out of the annual revenue and funds of the said school commissioners from whatever sources arising, and before the payment of any appropriation whatever of the said revenues or funds, a sum equal to two per cent or more of the amount of the aforesaid debentures, which sum the said secretary-treasurer shall keep apart from all other moneys to place and apply it according to the orders of the said school

Duties of sec.  
tress. of  
school com-  
missioners.

Payment of  
interest.

Certificate.

Penalty.

Investment  
of sinking  
fund.

Proviso.

Responibili-  
ty of sureties  
of purchasers  
of municipal  
revenues.

commissioners, solely and only as a sinking fund for the extinction of the debt created by the issue of the said debentures ; it shall also be the duty of the said secretary-treasurer to take, at the same time, from and out of the annual revenue and funds of the said school commissioners, from whatever sources arising, and before the payment of any appropriation whatever of the said revenues or funds, such sum of money as shall be sufficient for the semi-annual payment of the interest falling due on such debentures ; it shall be also the duty of the said secretary-treasurer to place before the said school commissioners, at their first meeting after the first of July, in each year, a certificate signed by him and countersigned by the chairman of the said school commissioners, certifying that he hath faithfully performed the duties imposed upon him by the present section of this act, under penalty of a fine of two hundred dollars, which shall be recoverable before any court of competent jurisdiction, and which shall form part of the said sinking fund, and it shall be the duty of the said school commissioners for the time being, to see that the provisions of this section shall be strictly executed each year, by the persons whose duty it is, and that the sum placed apart as a sinking fund be placed, without delay, in public securities of the Dominion of Canada or of this Province, or in shares of such incorporated banks as shall offer the most ample security and shall be most advantageous for all parties interested ; provided that it shall always be at the disposal of the said secretary-treasurer when he shall require it to redeem, upon the order of the said school commissioners, any of the said debentures issued as aforesaid.

92. When one or more persons shall have become purchasers by auction of the market revenues, and leases of butcher's stalls and stores and shops established in or upon any public market of the said city or of any other revenue in favor of the said corporation, and when according to the terms of the by-laws of the said city, or of the leases with such tenants or purchasers by auction, other persons residing in the said city shall become sureties and warrantors towards the said corporation for the payment of the said revenues and rents, and for the accomplishment of the charges and conditions stipulated by the said by-laws or leases ; if such tenants or purchasers by auction shall neglect to make regularly to the said secretary-treasurer the payments to which they are bound by their above mentioned leases, the said secretary-treasurer may cause to be sent to such surety or to his domicile, the notice mentioned in the second sub-section of the section 103 of the act hereby amended, and collect from the said surety

or sureties in the same manner as from the tenants or purchasers any sum due to the said corporation by each such tenant or purchaser, as aforesaid, in the manner established by sub-section 3 of the aforesaid section 103 of the act hereby amended.

**93.** The provisions of section 125 of the act hereby <sup>38 V., c. 76, s.</sup> amended which exempt certain property from taxation <sup>125, interpretation.</sup> in the said city of Three Rivers, shall not be considered as releasing the proprietors, holders or occupants of the said property, from the obligation of maintaining and repairing the sidewalks, streets and roads or contributing towards the expenses of maintaining and repairing the sidewalks, streets and roads in front or along side of the said property, and to which other proprietors, holders or occupants of land in the said city are obliged to contribute.

**94.** If the day upon which any thing should be done <sup>Holiday.</sup> under the provisions of this act should happen to be a non-juridical day, such thing may be done with the same effect on the next following juridical day.

**95.** All the provisions of the act 38 Victoria, chap. 76, <sup>Acts repealed.</sup> contrary to the provisions of this act, are hereby repealed or amended so that the provisions of the present act may have full and complete effect. (1)

**96.** The present act shall come into force on the day of <sup>Act in force.</sup> the sanction thereof.

**97.** The forms and schedules hereunto annexed or <sup>Forms:</sup> others of the same meaning and to the same effect, shall form part of this act and of the act hereby amended.

## SCHEDULES.

### A

*Commission of a Poll Clerk. (See Section 1.)*

To (name and addition)

Know you, that in my capacity of deputy of the officer presiding over the elections for

(1) See 40 V., c. 27, s. 2.

ward, I have appointed and do hereby appoint you to be poll clerk to act in such capacity according to law, at the next elections in ward, which election will be opened by me on the day of the month of 18

Three Rivers, this day of the month of 18

(Signature)

Deputy of the presiding officer.

B

*Oath of a Poll Clerk. (see section 1).*

I, the undersigned appointed poll clerk for ward, do solemnly swear that I will act in my said capacity of clerk for the said poll faithfully and according to law, without partiality, fear, favor or affection. So help me God.

(Signature.)

Poll Clerk for ward

Sworn before me at Three Rivers this day of 18

C

*Nomination paper of candidates at municipal elections. (see section 3).*

We, the undersigned, municipal electors of the City of Three Rivers (or of ward,) hereby nominate (names, surnames and occupations) as a candidate at the election to be held of a mayor for the said city (or of an alderman and councillor for the said ward.)

In testimony whereof we have signed this day of June eighteen hundred and

(Signature.)

I the undersigned (name, surname, and quality) of the city of Three Rivers, do hereby certify that the persons above

named have in my presence, signed or made their mark of a cross upon the present nomination paper. And I have signed.

(Signature.)

Sworn before me this      day of June, eighteen hundred and

(Signature) J. P.

D

*Receipt of nomination paper. (see sec. 3).*

Received this      day of June, eighteen hundred and      , in my office, in the city hall of the city of Three Rivers, at      of the clock in the      noon, of      , municipal elector, duly qualified (of the said city *if it be for the mayor or of      ward if it be for an alderman or councillor,*) a nomination paper in writing of      as a candidate at the election to be held the      day of July next, of a mayor for the said city (*or. of an alderman or councillor for      ward,*) which is signed by the municipal electors whose names follow, that is to say.

(Names of the subscribers.)

In witness whereof I have signed and delivered the present receipt to the said and I have affixed thereto the seal of the corporation of the said city, at Three Rivers, this      day of June, eighteen hundred and

(Signature.)

Secretary-Treasurer of the city.



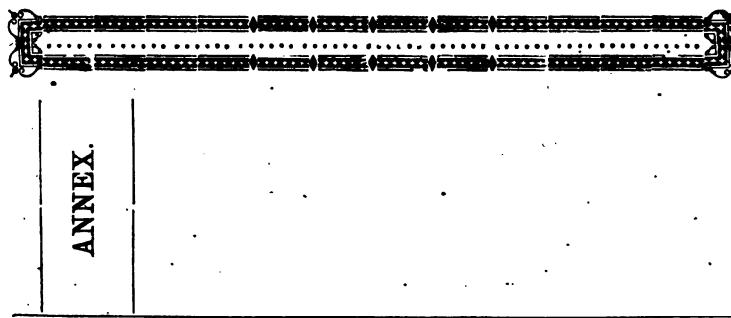
E

Ballot paper. (See sec. 8).

Elections of 18		
Ward.	1	CHARLES GUERIN, ADVOCATE.
	2	JEAN RIVARD, MERCHANT. X



*The elector is supposed to have marked his vote in favor of Jean Rivard.*



## F

*Oath of the agent of a candidate or of an elector representing a candidate in virtue of section 15.*

I, the undersigned, agent of (or elector representing,) one of the candidates at the election now pending of a mayor for the city of Three Rivers (or of an alderman or councillor for the      ward,) solemnly swear that I shall keep secret the names of the candidates for whom any voter at the poll of the said ward, may have marked his ballot paper in my presence at this election.

(Signature.)

Sworn before me at Three Rivers  
this              day of      }  
18

(Signature.)

J. P.

## G

## Poll book, (see sec. 18.)

GENERAL REMARKS.	Ballot papers prepared with the aid of the deputy presiding officer.	Electors voting after others have voted in their names.	Votes given.	Voters refusing to take the oath or affirmation.	Sworn or affirmed.	Objections.	Tenants or occupants.	Owners.	Their occupation.
NAME OF THE VOTERS.									
Number of Voters.									

## H

*Oath of messenger sent to collect the ballot boxes (see sec. 48).*

I, (name and surname) messenger appointed by (name and surname), the officer presiding over the municipal elections of Three Rivers for 18 , do solemnly swear that the several boxes, to the number now delivered by me to such officer presiding over the elections, have been handed to me by the several deputies of such officer presiding over the election or by (here insert the names of the deputies presiding who have delivered said boxes); that they have not been opened by me nor by any other person, and that they are in the same state as they were when they came into my possession. (Should any change have taken place, the deponent shall make mention of such change.)

(Signature)

J. P.

Sworn before me, at Three-Rivers, this day  
of , in the year 18

(Signature.)

Justice of the Peace.

or Officer presiding over the elections.

*Oath of the deputy presiding officer, after the closing of the poll, (see sec. 49).*

I, the undersigned, deputy of the officer presiding over the municipal elections for the ward , do solemnly swear that, to the best of my knowledge and belief, the poll book kept for the said ward under my direction, hath been so kept correctly ; and that the total number of votes entered in such poll book is and that the said poll book contains a true and exact record of the votes taken at the poll of such ward as received thereat ; that I have faithfully fulfilled the duties imposed upon me by law ; and that the various documents that the law obliges me to transmit to the officer presiding over the elections, have been faithfully and truly prepared and deposited in the ballot box in the same manner as this oath shall be, so that the said ballot box sealed with my

seal, shall be transmitted to the officer presiding over the elections, according to law.

(Signature.)

Deputy of the presiding officer.

Sworn before me this day  
of 18

(Signature.)

J. Peace.

or Officer presiding over the election.

or Poll clerk.

J

*Oath of the poll clerk after the closing of the poll.*

(See sec. 49.)

I, the undersigned, poll clerk for ward, solemnly swear that the poll book kept for the said ward, under the superintendence of

, the deputy of the officer presiding over the election for the said ward, has been so kept by me in a correct manner, and to the best of my ability and judgment; that the total number of votes inserted in the said poll book is ; and that to the best of my knowledge and belief the said book contains a true and exact statement of the votes taken at the said poll house of the said ward, by the deputy presiding officer of the said election for the said ward.

(Signature.)

Sworn before me this day of  
18

(Signature)

J Peace.

or presiding officer,  
or deputy presiding officer.

## K

*Public notice of the completion of the valuation roll, (See 38, Vict., Cap. 76, Sec. 58.)*

Public notice is hereby given that the valuation roll of 18 is now complete and deposited in the office of the undersigned, at the city hall of Three Rivers, for the space of one month from the date of the present notice. All complaints against the said roll should be sent in to the undersigned in writing on or before the day of next.

City Hall, Three Rivers, } (Signature.)

this day of }

18

Secretary-Treasurer.

## L

*Public notice of the completion of the collection roll (See 38 Vict., Cap. 76, Sec. 103.)*

Public notice is hereby given that the collection roll of the said city of Three Rivers, is complete and is now deposited in the office of the undersigned.

All persons therein mentioned as subject to the payment of taxes, are hereby required to pay the amount thereof to the undersigned, in his office, within twenty days from this date, without further notice.

(Signature.)

Secretary-Treasurer.

City Hall; Three Rivers.

18

## M

*Notice from the Secretary-Treasurer, for the payment of taxes or other dues (see 38, Vict., cap. 76, sec. 108.)*

Corporation of Three Rivers, (or School Commissioners for the City of Three Rivers.)

CITY HALL.

Three Rivers, (date of the service).

Mr.

Mr.

COPY OF ACCOUNT.

Dr. to the Corporation of Three Rivers, (or to the School Commissioners for the City of Three Rivers.)

Taxes on property on street valued at in the \$100, (Add the other items).

Total...\$

Notice served on the

18-\$

Mr.

Seeing your default to pay the sum above mentioned within the delay prescribed by public notice, you are hereby required to pay me this sum in my office within fifteen days from the date of this notice, together with the costs thereof, as below. In default whereof, your goods and chattels shall be seized and sold.

(Signature)  
Secretary-Treasurer.

Expenses :

Notice \$

N

*Warrant of seizure for taxes or other debts. (See 38 Vict., Cap. 76, Sec. 103.)*

Province of Quebec, } The corporation of the city of  
City and District of } Three Rivers, to wit :  
Three Rivers.

To one of the sworn bailiffs of the Superior Court for Lower Canada, appointed for the district of Three Rivers.

Whereas (*names and quality of debtor*) has been in the manner required by law, required by the secretary-treasurer of the city of Three Rivers, to pay into his hands, to and for the use of the corporation of the said city, the sum of being the amount due by him to the said corporation, as appears by the collection roll of year eighteen hundred and *or* by the terrier of the common *or* by the registry of the water-works *or* by deeds of lease of markets, *or* by the books of account of the said secretary-treasurer); and whereas the said *has neglected and refused to pay to the said secretary-treasurer, within the delay prescribed by law, the said sum of*, these are therefore to command you to seize forthwith to make distress of the goods and chattels of the said *, and if within the space of eight days after the making the such distress, the said mentioned sum, together with the reasonable charges of taking and keeping the said distress, shall not be paid, that then you do, on such day as shall be indicated to you by the said secretary-treasurer, sell in the usual manner, the said goods and chattels so by you detained, and do pay the money arising from such sale unto the secretary-treasurer of the said city, that he may apply the same as by law directed, and may render the overplus, if any, on demand, to the said or others whom it may concern. And if such seizure cannot be had in default of effects to be seized, then that you certify the same unto me, to the end that such proceedings may be had therein as to the law doth appertain.*

Given under my hand and the seal of the said corporation, at Three-Rivers, this      day of      , in the year eighteen hundred and

Amount due..\$  
Warrant .....\$  
Total.....\$

} (real,)

(Signature),  
Mayor of the said

(Signature),  
Mayor of the said city.

O.

*Warrant of distress for taxes upon payment or for capitation taxes, (See 38 Vict., cap. 76, sec. 126.*

Province of Quebec, } The Corporation of the City of  
City and District } Three Rivers,  
of Three Rivers. } to wit:

Whereas  
temporarily exercising in this city the occupation of  
(or liable for the payment of the  
capitation tax) has been required by the secretary-  
treasurer of the city of Three Rivers to pay into his hands,  
to and for the use of the corporation of the said city, the  
sum of , being  
the amount due by him to the said corporation, as  
appears by the by-law passed by the said council of the  
said city, at its sitting of the day  
of the month of , 18 , and intituled:  
"

and whereas the said has neglected  
or refused to pay to the said secretary-treasurer, within  
the delay prescribed by law, the said sum of  
these are therefore to command you to seize without  
delay the goods, chattels and effects of the said

; and if within the delay of eight days after such  
seizure, the aforesaid sum together with the reasonable  
expenses of the said seizure be not then paid, you shall,  
on the day which shall be indicated to you by the said  
secretary-treasurer, sell the said goods, chattels and effects,  
thus detained by you, and shall pay the monies arising  
from such sale to the said secretary-treasurer, so that he  
may apply the same as by law directed, and that he  
may return the surplus, if any, on request, to the said  
or any other person to whom it may belong; and if such  
seizure can not be had in default of effects to be seized,  
you shall immediately make your return to the said  
secretary-treasurer so that such proceedings as to law  
appertain may be adopted.

Given under my hand and the seal of the said corporation,  
at Three Rivers, this day of the month of  
eighteen hundred and

(Seal)

(Signature)

Mayor of the said city.

Amount claimed..... \$

Warrant of distress...

Total..... \$

## C A P . L I I

An act further to amend the several acts incorporating the City of Quebec, and to raise a further loan.

[Assented to 28th December, 1876.]

**H**ER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

**1.** In addition to the stock or shares and debentures New loan. authorized to be issued by the act 39 Vict., cap. 51, and constituting the city of Quebec consolidated fund, the corporation of the said city are hereby authorized to effect the following loans, that is to say :

1. A sum not to exceed seventeen thousand five hundred dollars for the fire department.	\$17,500 00
2. A sum not to exceed one thousand five hundred dollars to repair bridge over river St. Charles .....	1,500 00
3. A sum not to exceed two thousand dollars to repair pipe under river St. Charles.....	2,000 00
4. Five thousand dollars for erecting new fire stations,.....	5,000 00
5. One thousand five hundred dollars for <i>chateau d'eau</i> .....	1,500 00
6. For contingencies in connexion with the above works.....	2,500 00
<b>Making a total of.....</b>	<b>\$30,000 00</b>

**2.** The debentures to be issued under the present act shall be issued at a rate of interest not exceeding six per cent. per annum, and shall be redeemable in thirty years from the date thereof and shall be secured by a sinking fund of one per cent. per annum, to be invested annually as provided by the acts of incorporation of the said city and its amendments.

**3.** A further personal tax of two dollars shall be imposed, and payable annually, by every person doing or exercising any business whatever, profession, art or trade, and by any person exercising or practising the same in the said city, either personally or by other persons acting as their agents.

**4.** Any person desirous of obtaining from the city council under the Quebec licence act 34 Vict., c. 2, a confirmation

Additional personal tax of \$2. •

Petition for obtaining

certificate of the certificate of municipal electors required by the said act to obtain a tavern or grocery license, shall be held to take from the city clerk the necessary blank requisition which shall be prepared for that purpose, on production of a receipt from the city treasurer of the payment of the sum of two dollars; and no confirmation of certificate shall be granted by the said council unless upon requisitions so furnished by the said city clerk.

Fee. Repeal.

5. All acts or parts of acts incompatible with or contrary to the present act, are hereby repealed.

Act in force. 6. This act shall come into force on the day of its sanction.

### C A P . L I I I .

An act to incorporate "the Protestant home for friendless women."

[Assented to 28th December, 1876.]

Preamble.

WHEREAS the persons hereinafter mentioned have, by petition, represented that they and others have for one year past maintained by voluntary contributions a certain institution in the city of Montreal known as "the Montreal home for friendless women," henceforth to be known as "the Protestant home for friendless women," for the purpose of providing with food, shelter, medicines, employment, religious instruction and general assistance, according to their several needs, females who are homeless, destitute of means or in want of protection, alone or with their children, with a view to saving them from want, crime or infamy, and have prayed that for the better attainment of the objects of the said institution, the same may be vested with corporate powers under the name of "the Protestant home for friendless women;" Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Constituted corporation.

1. Mesdames Laura Mattox Baylis, Barbara Wilkes, Matilda Boyle Stevenson, Marianne D. Bessey, Cornelius T. Hutton, Kate C. Meeker, Sarah Blackman and such other persons as now are or hereafter may be associated with them in conformity with this act, and their successors, are hereby constituted and created a body corporate and politic, with all the rights incident to corporations by the name of "the Protestant home for friendless women."

Name.

2. The said corporation shall have perpetual succession, and may have a common seal, with power to change, alter and renew the same, when and as often as they shall think proper, and may, under the said name, contract and be contracted with, sue and be sued, implead and be impleaded, prosecute and be prosecuted in all courts and places whatsoever in this province, and by General powers. the same they and their successors, from time to time, and at all times hereafter, shall be able and capable to have, take, receive, purchase and acquire, hold, possess, enjoy and maintain to and for the use of the said corporation, all lands and property movable and immovable which may hereafter be sold, ceded, exchanged, given, bequeathed or granted to the said corporation, or to sell, hypothecate, alienate, convey, let or lease the same, if need be; provided always that such real estate shall not exceed the annual value of five thousand dollars beyond that actually required for the use of the said corporation; provided also that if the said corporation shall become possessed of real estate exceeding the annual value of five thousand dollars apart from that actually used by the said corporation, it shall be bound to sell such surplus property within five years from the time when such annual revenue shall become so excessive as aforesaid and to invest the proceeds thereof in public securities of the dominion or the province of Quebec, stocks of chartered banks, mortgages or other approved securities for the use of the said corporation.

3. The officers of the said corporation shall consist of Officers. a president, secretary, treasurer, and a committee of Committee. management of not less than ten members, and such other officers as shall, from time to time, seem necessary to the corporation.

The foregoing officers shall be chosen from among the members of the institution, and the president, secretary and treasurer shall be *ex officio* members of the said committee.

4. The said corporation shall have power to form a By-laws. code of by-laws, not inconsistent with the laws of this province or of the dominion, for fixing the terms of admission of its members, for the government of the same, for the election of the officers above-named, and for the general regulation and management of its affairs, which code when formed and adopted at a regular meeting shall, until modified or rescinded, be equally binding as this act upon the institution, its officers and members.

5. The by-laws of the said institution not being contrary to law, shall be the by-laws of the corporation. Present by-laws.

hereby constituted, until they shall be repealed or altered as aforesaid.

Present officers.

6. Until others shall be elected according to the by-laws of the corporation, the present officers of the institution shall be those of the corporation.

Reports to legislature.

7. The said corporation shall be bound to make annual reports to the legislature containing a general statement of the affairs of the corporation, which said reports shall be presented within the first twenty days of every session of the legislature.

## C A P. L I V.

### An act to incorporate the Beebe Plain Advent Camp Meeting Association.

[*Assented to 28th December, 1876.*]

Preamble.

WHEREAS R. W. Warner, C. S. Shattuck, L. C. McKinstry, C. L. Percival, J. H. Carbee, John Elliott, Lewis Bergoine, D. N. Chadsey, and Ira M. Colby and others who are or may be associated with them have petitioned to be incorporated by an act into an association to be known as "The Beebe Plain Advent Camp Meeting Association," to enable them to carry on and conduct the interests of the said association to advantage, whose object is set forth to be, to hold camp meetings and other religious meetings, and to own and control therefor certain property real and personal in the village municipality of Beebe Plain, in the township of Stanstead, and in the province of Quebec; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Constituted corporation.

1. The said R. W. Warner, C. S. Shattuck, L. C. McKinstry, C. L. Percival, J. H. Carbee, John Elliott, Lewis Bergoine, D. N. Chadsey and Ira M. Colby, and others who are, or may be associated with them, are hereby constituted and appointed, to be a body corporate, for the purpose of holding camp meetings and other religious meetings, and for holding and enjoying certain property real and personal necessary thereto, under the style and title of "The Beebe Plain Advent Camp Meeting Association," and shall be, and are, by that name, empowered to hold and enjoy such estate as hereinafter designated and named, and they may sue and be sued, and buy and sell, and receive and convey, titles and

Purposes of corporation.

claims, and hold and own and occupy, such estate, and the interests connected therewith, in the manner herein-after mentioned and provided for, provided, however, that the said estate shall never exceed in value the sum of twenty-five thousand dollars of capital.

**2.** The said corporation, under its style and title <sup>Seal.</sup> aforesaid, may possess a common seal, with power to alter or renew the same.

**3.** The association may acquire at any time and hold <sup>Limited real estate.</sup> real estate, not exceeding ten acres, in the village municipality of Beebe Plain, in the township of Stanstead and province of Quebec, with buildings and appurtenances thereon, which grounds shall be known as "The Beebe Plain Advent Camp grounds."

**4.** The property thus held and owned shall be used <sup>Uses of real estate.</sup> exclusively for religious purposes, such as camp meetings and other religious meetings held annually or otherwise, for a period of ten days, at one time, more or less, as the association may deem it best to hold them, or it may be used by other parties than the association, for religious and moral reform purposes, under the control of the association, as they may allow and arrange, and in no other way.

**5.** The affairs and business of the corporation shall be managed by means of annual meetings, which shall be held for the election of officers, and the transaction of other business during the sessions of the annual camp meetings, and by special meetings, when such meetings are necessary, and during the intervals of such meetings, by a committee of the association under the direction thereof; which committee shall be known as "The Beebe Plain Advent Camp Meeting Committee," the members whereof shall be elected annually, and shall hold office until their successors in office shall be chosen, and shall be of such a number of men, not exceeding nine, as the constitution of the association shall designate, provided always that the president, vice-president, secretary and treasurer, or secretary-treasurer of the association, shall be *ex-officio* members and officers of this committee, the offices of which they hold in the association being the same in it and in the committee alike, which committee, at the time of the passing of this act, shall be the aforesaid R. W. Warner, C. S. Shattuck, L. C. McKinstry, C. L. Present committee, Percival, J. H. Carbee, John Elliot, Lewis Bergoine, D. N. Chadsey and Ira M. Colby, and they and their successors in office shall act for the purposes hereinafter designated.

Duties of committee.

**6.** The aforesaid committee shall have the charge of the camp grounds, and shall make, through their secretary, all arrangements for the use thereof by parties other than themselves, and they shall hold all camp meetings, and other religious meetings of the association, and shall have the general oversight of all matters pertaining thereto.

Idem.

**7.** The aforesaid committee shall, also, be the executive board of the corporation in the intervals of the meetings thereof, and shall, through their secretary, call all annual and special business meetings by a notice published at least two weeks before such meetings are to be held, in such a manner as to give sufficient circulation thereto, and they shall, also, publish a notice of each camp meeting to be held, at least four weeks previous to the commencement of such meeting, which notice shall be signed by at least a majority of the committee.

Report on financial transactions.

**8.** The committee aforesaid shall make a financial report to the association through their treasurer of all the financial transactions of the year at each annual meeting succeeding the close of their fiscal year, which year shall close with the close of each calendar year, and the said report shall correctly represent all the transactions of the committee, with the exact financial condition of the treasury.

Application of c. 22, C. S. L. C.

**9.** The corporation shall have for the maintenance of peace and order at or in the vicinity of their grounds, the powers conferred by chapter 22 of the consolidated statutes for Lower Canada, and the said chapter 22 shall apply to the said corporation.

Report to legislature.

**10.** The said corporation shall lay before both houses of the legislature, within twenty days from the commencement of the sessions thereof, through the secretary of the corporation, annual statements of the condition of the affairs of the association.

Act in force.

**11.** This act shall come into force on the day of the sanction thereof.

## C A P . L V .

An act to incorporate the Universalist Church of the province of Quebec.

[*Assented to 28th December, 1876.*]

WHEREAS a petition has been presented by members of the religious sect or society, composed of ministers and laymen thereof, known and distinguished as the "Universalist Church or Society," representing that there is a numerous body of Protestant Christians in the province of Quebec calling themselves Universalists, who desire to possess the privileges accorded to other religious denominations, and praying that an act may be passed incorporating the members of said denomination now organized and possessing church buildings, or that may hereafter be organized, and to provide that the regular ordained ministers of said denomination having a fixed and a permanent organization as a congregation, or that may become such, may keep registers of all such baptisms, marriages and burials as shall by such ministers be performed, and to enable the trustees of any church organization or congregation of said denomination to acquire and dispose of, to hypothecate and to administer generally any lands or church buildings to such congregation belonging, for places of worship or as parsonages, and to vest in said trustees any legacy or donation that may accrue to said church or congregation for church purposes solely, with power to administer the same ; and whereas it is expedient to grant their prayer ; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. The ministers and members of the society, sect and denomination known and designated as the Universalist society, now having a permanent organization and in charge of regularly ordained ministers thereof, and established in accordance with the rules of said society, are hereby incorporated and shall form a corporation or body corporate and politic in this province under the name and style of "The Universalist Church of the province of Quebec," with power to make such rules and regulations for the management of their affairs and of their society as may be necessary ; not being contrary to nor inconsistent with the laws of the province.

Constituted]]  
corporation.

Name, rules  
and regula-  
tions.

2. The church buildings, parsonage, cemetery, and particular grounds of each congregation of the said Universalist Church, having a permanent organization in charge

of Google

Corporate name.

of regularly ordained ministers of such denomination, shall be vested in any such congregation, and the administration thereof in a board of trustees chosen in accordance with the rules of said church, or of said congregation as the case may be, and each such congregation shall be a body corporate and politic under the name and style of "The Universalist Church of the province of Quebec at \_\_\_\_\_"

General powers.

**3.** Every such congregation under its corporate name, shall have perpetual succession, and may acquire real or personal property by purchase, donation, or otherwise, provided the annual revenue thereof shall not exceed two thousand dollars per annum, and hold and enjoy the same for church purposes only, and may alienate the same, enter into contracts, transact, bind and oblige itself and others to itself within the limits of its functions, hypothecate, let or lease its property as may be necessary for purposes of the church only, sue and be sued in any cause and before any court of justice; and to do, perform and execute all and every lawful act and thing useful and necessary for the purpose aforesaid, and for the administration of their corporate affairs in as full and ample a manner, to all intents and purposes whatsoever, as any other body politic or corporate by law may do.

New congregation and its rights.

**4.** Any new congregation may be formed after the passing of this act and become entitled to all its provisions, and be a corporate body under the name and designation aforesaid, with the same privileges, rights and restrictions as these hereinbefore mentioned, provided that it shall be organized in accordance with the general rules of the denomination, and that its minister be installed or inducted in the charge thereof and a board of trustees elected or selected in conformity to the rules of said denomination.

Proviso.

Composition of church.

**5.** The composition of the church as incorporated by section one of this act shall be made up of the respective congregations of the whole province, represented therein by their respective ministers and trustees in conformity with the rules and ordinances of the denomination now existing or which may hereafter be enacted, provided, however, that any failure or neglect to organize the church for the whole province as before stated, shall not have the effect of preventing any congregation established as a corporation under section number two of this act, or to be established or formed under section four of this act, from having and maintaining its corporate existence under said section two and following sections, with all powers given to each such congregation and

corporation by this act and under all the restrictions thereof and of the law.

**6.** From and after the passing of this act, the aforesaid corporations formed under section two of this act, shall be vested with all the property real and personal of each of said corporations, each congregation for itself, and of all the rights accrued thereto, and shall enter upon and possess the same in full right.

**7.** Registers for the registration of baptisms, marriages and burials shall be kept by each church or congregation and by the ministers thereof in conformity with the laws of this province relating to acts of *civil status*, and the regular ordained minister of any congregation of said church, or of any Universalist church or body under the laws of the Universalist denomination shall be entitled to keep such registers, provided that such or any minister of said denomination, before receiving a register or registers of such acts of *civil status*, shall furnish to the prothonotary of the superior court or any public officer authorized to furnish such registers by law, a certificate of his ordination as such minister, and of his call, installation or induction into the charge of minister of any such congregation, by taking the oath of allegiance before a judge or commissioner of the superior court, in the district wherein such congregation has its existence, and producing and filing with the prothonotary of said court or the officer authorized to issue and grant such registers, a certificate of the taking of such oath, and by complying with the laws of this province relating to the keeping of such acts of *civil status* and the payment of the fees imposed by law.

**8.** The register kept by any minister for the exclusive use of the church or congregation shall be regularly transmitted by him to his successor in office, and upon the extinction of any congregation from any cause whatever, the said register shall be vested in the prothonotary of the superior court, provided, however, that should such congregation be re-formed, such register shall be returned to the minister of such congregation by the said prothonotary.

**9.** This act shall come into force on the day of its *Act in force.* sanction.

## C A P. L V I.

## An act to incorporate Emmanuel Church, Montreal.

[Assented to 28th December, 1876.]

## Preamble.

WHEREAS the pastor,deacons,trustees and other members of "Emmanuel (Congregational) Church," Montreal, by their petition have prayed that they be incorporated under the name of "Emmanuel Church, Montreal," for the purposes mentioned in their said petition, and hereinafter described; and whereas it is expedient to grant such prayer; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

## Constitution of corporation.

1. The Reverend John Frederick Stevenson, LL. B., Henry Vennor, Charles Alexander, Henry Lyman, Alfred Savage, Theodore Lyman, Rev. George Cornish, LL. D., Charles R. Black, Robert C. Jameson, John S. McLachlan, Robert Dunn, William Moodie, Francis Scholes, James Linton, William Reid, and all other persons who are now, or who may hereafter become members of Emmanuel Church, Montreal, shall be, and they are hereby constituted a body politic and corporate under the name of "Emmanuel Church, Montreal," and as such may sue and be sued, plead and be impleaded in all courts of law and equity, and have a common seal.

## Name.

2. The said corporation shall be an Evangelical Pedo-Baptist Congregational Church, according to the received faith and order of such churches.

## Purchase and sale of property.

3. The said corporation may acquire and hold, by any description of title, lands and tenements, immovable and movable property for the sole use and benefit of the said church corporation, and for mission chapels, parsonages, and other religious and benevolent purposes in the city of Montreal, affiliated thereto or otherwise, under the supervision and control thereof; and may, from time to time, sell, alienate, and hypothecate any such property, and apply the proceeds thereof in furtherance of the purposes for which it is hereby authorized to acquire the same, and may vote money in aid of such religious and benevolent purposes, provided, in so doing, the following rules shall be strictly observed, namely:

## Conditions.

1. A proposition for the purchase of property, or to vote money, shall first be considered by the deacons and trustees, and if approved by them, it shall be recommended to the said corporation for its consideration and action at a special general, or annual general meeting of

the said corporation, when, should two thirds of those present concur, the proposed purchase may be made, or money voted, as the case may be, provided, however, that the proposition aforesaid shall stand before the said corporation for one month before final action—and further that such action shall be null and void, if taken during the months of July or August in any year.

Provided that should the said deacons and trustees Case of refusal etc., of deacons and trustees. decline to recommend any proposition for the purchase of property for and on behalf of said corporation, or to vote money, or appropriate the funds of the said corporation in aid of its own work, or any object or objects of a religious or benevolent character extraneous to itself; or should they be prevented from so doing from any cause whatsoever, the said corporation shall have the right nevertheless to consider and to decide to purchase property, or to so vote and appropriate its funds as aforesaid,—provided, however, that a requisition signed by twelve of the male members of said corporation of the age of twenty-one years and upwards, who contribute respectively not less than fifty dollars annually to its “current expense fund” shall be presented to the pastor or secretary of the said Emmanuel Church for the time being, and also that the above mentioned formalities as to notice, etc., etc., shall also have been duly observed.

2. The property held for the use of the said corporation Limit of property. shall not exceed in annual value the sum of ten thousand dollars.

3. The property of the said corporation shall be held Management and administrators of property. and administered by trustees as is hereinafter provided, to and for the use of said corporation in perpetuity, and the said property shall not be sold or hypothecated without it shall be so resolved by a majority consisting of three fourths of the members of said corporation present, being of the age of twenty one years and upwards, at a special meeting called for the purpose aforesaid by a notice at public service on Sunday at least one month prior to the date of said meeting, and the said majority shall include a majority of enregistered contributors to the “building fund” of said corporation, resident in the city—provided, however, that no such meeting shall be legally held during the months of July and August in any year.

4. In the event that the said property, or any portion Proceeds of sale how to be invested. thereof, shall be sold or hypothecated, the proceeds shall in the former case be re-invested in other property for the religious uses of said corporation:—and in the latter the funds obtained by said hypothecation shall be used for the improvement of the existing property, the discharge of other hypothecary obligations or for other similar beneficial purposes.

If church be dissolved.

Provided, however, that should the said corporation become extinct by reason of the dissolution of said Emmanuel Church, the property theretofore held by it shall be sold by the existing trustees or other officers or persons in charge of the same, and the net proceeds thereof shall be returned to the said registered contributors to the building fund of the said corporation, or to their representatives if they shall be known, according to the relative proportions of their several contributions to the said fund :—and any portion thereof, which shall not be claimed within a period of twelve months and one day, from the date of the said dissolution of the said corporation, shall be paid over by the custodian of the fund for the time being, to the Congregational Union of Ontario and Quebec to be used by it for church building purposes.

Church secretary ; his duties.

4. The said corporation shall annually appoint a secretary from among its deacons, who shall be called "church secretary," and it shall be his duty to keep a roll of membership, minute journal of deacons' meetings, and of the church board and of the meetings of said corporation : all which records shall be the property of said corporation and shall be subject to its control.

Board of trustees.

5. The secular affairs of said corporation shall be administered by a board of seven trustees who shall be members of said corporation, and shall be elected by ballot as follows, namely :

Election.

1. At the first annual meeting of said corporation, after the passing of this act, seven trustees shall be elected as aforesaid, and at every subsequent annual general meeting three trustees only shall be elected, and it shall be the duty of the said board, prior to the said meeting, to choose, by ballot or otherwise, which shall be the three retiring members, who shall, however, be eligible for re-election.

Vacancies.

2. The said board shall be empowered to fill vacancies occurring during any current year.

Officers.

3. Immediately after the election of trustees, as aforesaid, the board shall be constituted by the appointment from among its members, of a chairman, a treasurer and secretary.

Various accounts to be kept.

4. The board of trustees shall keep accurate accounts of receipts and expenditures on account of the said corporation, and records of their proceedings, also the roll of contributors to the building fund ; all of which shall be the property of the said corporation and be subject to its control.

Collection of funds, etc.

5. The trustees shall be charged with the collection and disbursement of the funds of the said corporation.

except such as shall be exclusively administered by the pastor and deacons, as provided in the rules and regulations of said corporation, and generally of providing ways and means by pew-rents, assessments upon sittings, and voluntary offerings, or either of them, as the said corporation shall determine, for the proper maintenance of public worship, and for carrying on the religious and benevolent work of said corporation.

**6.** The lot of land No. 1473 of the cadastre of Saint Antoine ward and book of reference, of said city of Montreal, purchased of E. S. Freer, Esquire, by the said Henry Lyman, John S. McLachlan and Robert Dunn, Esquires, members of said corporation, and upon which land a church edifice is now in process of erection for the use of said corporation, shall be vested in the said corporation, upon the terms, and subject to the conditions of said purchase and to the hypothecs hereinafter specified.

**7.** The obligation, passed before Charles Cushing, Esquire, notary public, on the 8th day of May 1867, to Dame Jane Redpath, and others, for the sum of twenty thousand dollars to enable the said corporation to construct said church edifice, shall be assumed by the said corporation upon the stipulations and conditions therein contained as a matter appertaining and beneficial to said corporation, to the full and entire exoneration of the said Henry Lyman, John S. McLachlan and Robert Dunn, Esquires, parties to said obligation in their several private capacities as purchasers of said property as aforesaid; but nothing in this act shall be held to interfere with, or to alter the personal security of the said Henry Lyman, John S. McLachlan and Robert Dunn, Esquires, to the said Dame Jane Redpath and others.

**8.** The obligation passed by the said Henry Lyman, John S. McLachlan and Robert Dunn, Esquires, to Edward Evans, Esquire, accountant, executed before John Carr Griffin, Esquire, notary public, on the nineteenth day of October, 1876, for the sum of four thousand and five hundred dollars loaned to the said corporation for the purchase of an organ for the use of said corporation in public worship, shall also be assumed by said corporation to the relief and exoneration of said Henry Lyman, John S. McLachlan and Robert Dunn, Esquires, in their private capacities as aforesaid, but nothing in this act shall be construed to interfere with or to alter the personal security of the said debtors to the said Edward Evans, Esquire.

General regulations. **9.** The said corporation shall have power to make rules and regulations for the good government and management of the whole of its religious and temporal affairs, which, however, shall have no force or effect until they shall be confirmed by the said corporation at an annual or general special meeting called for the purpose ; and by such rules and regulations provision may be made for the management of the financial concerns of the corporation, the conduct and duties of the officers of the corporation, the hearing and decision of complaints against members, the mode of dealing with such complaints by censure, reproof or expulsion, or in such other manner as is usual among members of Evangelical Congregational Churches.

Confirmation ther-of re-quired. Also, the mode of giving notice of meetings of the said corporation and all details of every nature and kind whatsoever, for the management of the said corporation, and such rules and regulations may be repealed and altered from time to time and new rules and regulations made, which, however, shall be suspended, as to their effect, until confirmed at an annual or other general meeting of said corporation as is hereinbefore provided ; but such rules and regulations shall not be contrary to law or to the several provisions herein contained.

General meetings.

**10.** An annual general meeting of the members of said corporation shall be held on the third Monday in the month of January of each year, at which the trustees shall present the account of receipts and expenditure of the said corporation, made up to the end of the month of December.

Reports.

The other officers and committees shall present to the corporation reports of proceedings for the previous year ; and the several elective officers and committees shall be appointed.

Report to legislature.

**11.** The trustees of the said corporation shall, at all times, when thereunto required by the lieutenant-governor or by either branch of the legislature of the province of Quebec, make a full return of the immovable property of said corporation and of its receipts and expenditure in respect thereof, with such details and other information as the lieutenant-governor or either branch of the legislature may require.

Act in force.

**12.** This act shall come into force on the day of its sanction.

## C A P . L V I I .

An act to enable the rector and churchwardens of Saint Jude's church, of the parish of Saint Jude, in the diocese of Montreal, to sell the said church and the property on which it is built and to erect a new church elsewhere.

[Assented to 28th December, 1876.]

**W**HEREAS the rector and church-wardens of Saint Jude's church, of the parish of Saint Jude, in the diocese of Montreal, have, by their petition, set forth :

That by deed of sale made and executed on the sixteenth day of January, eighteen hundred and seventy-three before R. Beaufield, notary public, the Very Reverend William Bond, dean of Montreal, bargained, sold, assigned, transferred, and made over to the Reverend James Gilbert Baylis, the incumbent, and William Burkett and Thomas James Bedford, the churchwardens of the said Saint Jude's church, present and accepting thereof, and their successors in office, that certain piece and parcel of land, situate, lying and being in the parish of Montreal, known as building lots numbers seventy-eight and seventy-nine on a certain plan of the property of William Workman, and Alexander Maurice Delisle, made by A. N. Perrault, sworn land surveyor, deposited of record in the office of T. Doucet, notary, by *Acte de Dépôt*, dated the twenty-eighth of March, 1864, and measuring sixty feet in front by eighty-four feet in depth, more or less, the whole English measure, and bounded in front to the north-west by Workman street, in rear to the south-east by property belonging to various proprietors, on one side to the north-east by Vinet street and on the other side to the south-west by lot seventy-seven on said plan, with a building erected thereon, known as Saint Jude's church, with all and every the members and appurtenances thereto belonging, a special condition of said deed being that said building lots and premises should be held and used in perpetuity for the sole use and purposes of a church or school-room in connection with the United Church of England and Ireland ;

That the said church has, at all times, been devoted to the performance of divine worship according to the rites and ceremonies of said church ;

That the said lots of land so conveyed and granted as aforesaid are presently known and designated as numbers six hundred and one, and six hundred and two on the

official plan and in the book of reference of the parish of Montreal;

That in the judgment of said petitioners and of the members of said Saint Jude's church, it is expedient to sell the said lot of land and the church thereon erected, and apply the proceeds of such sale towards the erection of a church to be also called Saint Jude's church, on the lots of land hereinafter mentioned, to wit: subdivision four of lot number three hundred and eighty-six " ; subdivision two of lot number three hundred and ninety-eight ; subdivisions numbers one and two of lot number three hundred and ninety-nine ; subdivisions one and two of lot number four hundred ; subdivisions one and two of lot number four hundred and one ; subdivisions one and two of lot number four hundred and two ; subdivisions one, two and three of lot number four hundred and three ; subdivisions seven, eight, nine, ten, eleven, twelve and thirteen of lot number four hundred and three *a* ; subdivisions two, three, four, five, six and seven of lot number four hundred and four ; subdivision two of lot number three hundred and ninety-seven ; subdivision one of lot number three hundred and ninety-eight ; and subdivision six of lot number four hundred and three *a*, on the official plan and in the book of reference of the municipality of the parish of Montreal, duly conveyed to the said rector and church wardens of Saint Jude's church, under and by virtue of a deed of sale made and executed by M. C. J. Coursol, Esquire, of the said city of Montreal, on the thirty-first day of May, eighteen hundred and seventy-six, before D. E. Papineau, notary public ; and whereas it is expedient to grant the prayer of said petition ; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

Authorized to sell. **1.** The said rector and church-wardens of said Saint Jude's church, and their successors in office are hereby authorized, by and with the consent of the Lord Bishop of Montreal, to sell the said lots of land numbered six hundred and eighty-one and six hundred and eighty-two on the official plan and in the book of reference of the municipality of the parish of Montreal, and the church presently erected thereon, and called and known as Saint Jude's church, and other appurtenances thereunto belonging, either at public auction, or by private sale, for cash, or on credit, or part cash and part credit, secured in such manner as to the said rector and church-wardens and their successors shall seem meet, and as they may deem most advisable, and to execute and convey an absolute title thereto to the purchaser or purchasers thereof, and

Mode.

to receive payment of the purchase money and grant all necessary acquittances and discharges therefor.

**2.** The purchase money to be derived from the said sale shall be applied by the said rector and church-wardens, and their successors in office, towards the erection of a church to be also called Saint Jude's church on the said lots of land, namely subdivision four of lot number three hundred and eighty-six *a*; subdivision two of lot number three hundred and ninety-eight; subdivisions one and two of lot number three hundred and ninety-nine; subdivisions one and two of lot number four hundred; subdivisions one and two of lot number four hundred and one; subdivisions one and two of lot number four hundred and two; subdivisions one, two and three, of lot number four hundred and three; subdivisions seven, eight, nine, ten, eleven, twelve and thirteen, of lot number four hundred and three *a*; subdivisions two, three, four, five, six and seven, of lot number four hundred and four; subdivision two of lot number three hundred and ninety-seven; subdivision one of lot number three hundred and ninety-eight, and subdivision six of lot number four hundred and three *a*, on the official plan and in the book of reference of the municipality of the parish of Montreal; but no person or persons, body or bodies politic, who shall purchase the said lots numbers six hundred and eighty-one and six hundred and eighty-two and the said church thereon and other appurtenances, shall be in any way bound to see to the application, or be answerable for the non-application, of the said purchase money or any part thereof.

**3.** The said property so acquired for the purposes of erecting a new church, as also the church and other buildings to be thereon erected, shall be vested in the said rector and church-wardens of Saint Jude's church, and their successors in office in trust for the uses and purposes ecclesiastical of the said parish of Saint Jude.

## C A P . L V I I I .

An act to amend the act of the heretofore province of Canada, 12 Vict., cap 144; intituled : " an act to incorporate *les clercs paroissiaux ou catéchistes de Saint Viateur*, in the village of Industry, in the county of Berthier."

[Assented to 28th December, 1876.]

Preamble.

WHEREAS *les clercs paroissiaux ou catéchistes de Saint Viateur*, have, by their petition, prayed certain amendments to the act of the heretofore province of Canada, 12 Vict., cap. 144, intituled : "an act to incorporate *les clercs paroissiaux ou catéchistes de Saint Viateur*, in the village of Industry; in the county of Berthier" ; and, whereas it is expedient to amend the said act ; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

12 V., c. 144,  
amended. 1. The title of the said act, 12 Vict., cap. 144, is amended by striking out the words " in the village of Industry, in the county of Berthier."

Idem, preamble amended. 2. The preamble of the said act is amended by striking out, at the end of the first line and beginning of the second line thereof, the words " in the village of Industry, in the county of Berthier ; " and in the third line by substituting for the words : "of young persons," the word " of youth."

Idem, s. 1,  
amended. 3. The first section of the said act is amended, by striking out all the words after the following words, in the fifteenth and sixteenth lines " the present officers and members of the said association," and substituting therefor the following : " and such other persons who may become members of the said association, in conformity with the rules and regulations thereof and to the provisions of this act, shall be and are hereby constituted a body politic and corporate, in fact and in name, under the name of *les clercs paroissiaux ou catéchistes de St. Viateur*,

Corporate name. with all civil and political rights, privileges and usual immunities and powers of corporations, and shall, under such name, have perpetual succession and a common seal, and may change, modify and renew the same, from time to time, and at pleasure, and under the same name from time to time and at all times hereafter may purchase, acquire, possess, have, accept and hold for themselves and their successors, for the ends and purposes of the

Members of  
association.

General  
powers ; seal.

said corporation, all descriptions of movable property and all lands, tenements, hereditaments and all real or immovable property situated and being in the province of Quebec, or constituted rents, not exceeding the sum of twenty thousand dollars, and to change or sell, alienate, hypothecate or dispose of the same, and acquire others in the place thereof, for the same purposes ; and under the same name they shall have full power to sue and be sued, plead and be impleaded, summon and be summoned, in all courts of justice and other places whatever, in as full and ample a manner as any other body politic and incorporate or as any person may in any manner legally do."

4. Sections two, three, four, five, six, seven, eight and ten of the said act, are hereby repealed.

*Idem, ss. 2, 3,  
4, 5, 6, 7, 8 and  
10, repealed.*

5. The said corporation, "*les clercs paroissiaux ou catéchistes de St. Viateur*," shall have full power and authority to make and sanction by-laws and regulations, orders and statutes, not contrary to this act, and which the said corporation may deem necessary or useful for the good government thereof, either for the admission, expulsion, changing and domicile of the members and council thereof, or for the acquisition, possession, management, and alienation of the movable and immovable property thereof ; and to amend, correct and repeal the said rules, regulations, orders and statutes, in whole or in part, or to substitute others in their place.

*General by-  
laws.*

6. The superior or governing director (*Directeur d'obé-dience*) and his ordinary council, as constituted by the rules and regulations of the corporation, shall for ever form the council of management and shall be the sole managers, attorneys and agents of the corporation, and no other member shall represent the council of management or form part thereof ; and the name of the council of management shall be "the council of management of *les clercs paroissiaux ou catéchistes de St. Viateur* ;" and the council of management shall do and perform all acts and agreements which it shall deem necessary in the interests of the said corporation, which shall be binding upon the said corporation without the members of the said corporation having in any manner the power to contravene the same ; and the said council may delegate the powers thereof to one of their number or to any other member of the said corporation ; and the acts of the members, thus authorized shall also be as binding, as if made and passed by the council of management itself.

*Name of  
council.*

*Powers.*

*Delegation.*

7. The council shall alone exercise the right of *pro-* *Digitized by Google* *council.*

*Powers of  
council.*

roperty over the estate of the corporation, and shall alone have the possession thereof to the exclusion of all the other members, except those authorized for that purpose, by the council itself, in the case of the preceding section.

Responsibili-  
ty of corpora-  
tion.

**8.** The corporation, under the government of its council of management, shall be charged with all the debts and obligations of the establishments of the *lérés paroissiaux ou catéchistes de St. Viateur*, contracted in the name of the corporation only, in conformity with section six of this act, and the members shall not be held personally liable for its obligations.

Members not  
personnally  
liable

## C A P . L X .

An act amending the act concerning the Charitable Institution known by the name of "*Les Sœurs de l'Asile de la Providence de Montréal*," and extending its powers.

[Assented to 28th December, 1876.]

Preamble.

**W**HEREAS the corporation now known as "*Les Sœurs de l'Asile de la Providence de Montréal*," has been established by the statute 4 and 5 Vict., chapter 67, intituled: "An act to incorporate the Montreal asylum for aged and infirm women," which act was amended by the statute 24 Vict., chapter 115, changing the first name of the said corporation to the name of "*Les Sœurs de l'Asile de la Providence de Montréal*,"

Whereas the said corporation, since its establishment, has entirely devoted itself to accomplishing works of benevolence and charity, that they have founded and now maintain in this province a large number of asylums, hospitals, refuges for orphans, schools and other benevolent institutions, in which a very considerable number of aged, indigent, sick, infirm, deaf-mute, insane persons, orphans, are gratuitously clothed, boarded and fed, attended to in sickness and taught, and this almost only by the resources arising from the work of the members of the said corporation and the industries exercised in the said institutions;

Whereas the said corporation has not received any donation from the state, which would enable them to accomplish the said works, and are in possession of no property producing any revenue; and whereas the aid they receive from government, as well as the gifts made to them by charitable persons, are far from being sufficient

to enable them to accomplish these works, and whereas it is to the public interest that these works be continued and that the said corporation receive towards their accomplishment every possible assistance and encouragement, and to that end they be authorized to manufacture remedies and medicaments, to exercise industries, and to sell to the public, articles and merchandize so manufactured, as well as to make use of them in the said institutions; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. The said corporation may continue to accomplish the said works of benevolence and charity, and, to that end, shall have the rights, in addition to the powers granted them by the said acts, to carry on as heretofore the industries actually in operation in their different establishments, and all industries which they may require to exercise to maintain them, to manufacture all medicaments, to use them in their establishments, to sell them to the public, in the province of Quebec, and this in as ample a manner as any individual, body or corporation; subject, always, to the laws, rules and regulations respecting such manufactures and industries in force in this province, and in the cities, towns and other municipalities of this province, in which such manufactures and industries are carried on; provided, always, that all profits and revenues arising directly or indirectly from the said manufactures, industries and sales, shall be exclusively employed to the profit and for the maintenance of the benevolent institutions established by the said corporation, and the carrying out of the said works of charity, without it being in the power of the said community to withdraw or convert any portion whatever of the said profit to any objects foreign to the said works. Power to continue divers works. Proviso.
2. This act shall in no manner affect pending cases. Pending cases.
3. This act shall come into force on the day of its sanction. Act in force.

## C A P . L X .

An act to authorize the religious community of the *Hospitalières de l'Hotel-Dieu* of Quebec, to acquire and hold, as well in their own name as administering the property of the poor of the said *Hotel-Dieu*, other movable and immovable property, up to a certain amount.

[Assented to 28th December, 1876.]

## Preamble.

WHEREAS the superior, assistant and other professed nuns of the community of the *Hotel-Dieu* of Quebec, composing the council thereof, have by their petition prayed that the said community be authorized to acquire and hold, as well in their own name as administering the property of the poor of the said *Hotel-Dieu*, property up to a certain amount, over and above that actually held by them; and whereas the said community desires to dispose of certain immovable property held by them in the neighbourhood of the city of Quebec, in order to enable them to acquire other immovables in the rural districts; and whereas on account of the great usefulness of this institution, it is expedient to grant the request of the said petitioners; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

## Power to purchase and sell property.

1. It shall be lawful for the said superior, assistant and other professed nuns of the said community composing the council of the said community, and their successors in office, to acquire and receive by donation, legacy or otherwise, as well for themselves, as administering the property of the poor of the said *Hotel-Dieu* of Quebec, and to possess to and for the use of their said community and the said poor of the said *Hotel-Dieu*, under the name of *La Communauté des Religieuses de l'Hotel-Dieu de Québec* and under the rules and regulations of the said institution, every description of real property situate in the province of Quebec, *constituts* or ground rents secured and invested on such property, or all sums of money in the public funds of the United Kingdom or secured by debentures on the public revenue of the Dominion or of this Province, or all other property whatever in the Province of Quebec, returning a fixed and permanent revenue not exceeding a total of eight thousand dollars per annum, over and above all the property that they and the said poor of the *Hotel-Dieu* shall legally possess at the time of the passing of this act, to

## Name.

## Property.

## Limit.

and for the use of the said community and the said poor, <sup>Alienation.</sup> and may sell and alienate the said property, as well that which they and the said poor now possess, as that which they may hereafter acquire, and purchase in place <sup>Disposal of moneys.</sup> thereof all other descriptions of property whatever in the rural districts of the province of Quebec; provided that the total amount of the annual revenue of the property thus possessed, at any time, in virtue of the present act, shall not exceed the aforesaid sum of eight thousand dollars, over and above the other property possessed by the said community and the said poor, at the time of the passing of this act, and this notwithstanding anything to the contrary contained in the laws commonly known as the statutes of mortmain, or any other laws or statutes whatsoever.

## C A P . L X I .

- An act to amend the act 35 Vict., cap. 44, concerning the cemetery of *Notre-Dame des Neiges.*

[Assented to 28th December, 1876].

WHEREAS the fabrique of *Notre-Dame de Montreal* <sup>Preamble.</sup> have by their petition prayed that more ample powers be granted to them to regulate the concession of burial lots, in the cemetery of *Notre-Dame des Neiges*, and the collection of the pricos thereof, and whereas it is expedient to grant the prayer of their said petition; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. The act thirty-fifth Victoria, chapter forty-four, is hereby amended, by inserting after the fourteenth section thereof the following provision :

"14a. The fabrique of *Notre-Dame de Montreal*, shall have full power and authority to make and pass by-laws, concerning the keeping and management of burial lots conceded or to be conceded, in the cemetery of *Notre-Dame des Neiges*, to collect and recover all instalments due upon such lots, and to confiscate, at their discretion,

in their own favor, the rights of property that any persons may have in virtue of a deed of sale or otherwise, to a lot in the said cemetery, if they have neglected to pay the price or any portion thereof, within six months which shall follow the time the said price or portion thereof shall have become due, and also all the instalments which might have been paid by them on the price thereof <sup>Recovery of instalments due.</sup> <sup>Confiscation of rights.</sup> Google

by the fabrique reimbursing to such persons the instalments without interest that they may have paid on account of the price of the sale of the said lot so confiscated, when no part of the said lot has been employed by the grantee or his representatives, for the burial of any body."

Lots already granted.

**2.** The lots which have been already granted, shall not be subject to such confiscation, until twelve months after the sanction of this act.

## C A P. L X I I.

An act to incorporate "The Fairmount cemetery company."

[Assented to 28th December, 1876.]

Preamble.

WHEREAS the persons hereinafter named by their petition have set forth that they are desirous of acquiring a tract of land in the township of Sutton, in the county of Brome for the purpose of a cemetery, and that they are desirous of being accorded corporate powers; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Constituted corporation.

**1.** Geo. C. Dyer, Eugene A. Dyer, Fred. A. Cutter, Jr., Sherman N. Boright, Harland A. Tupper, R. A. Cook, Geo. E. Dyer, Alfred Hunt and W. Lewis Cook and all other persons who may replace or join them for the above purpose, are hereby constituted a body corporate and politic by the name of "The Fairmount cemetery company," and by that name may by any legal title acquire and hold real estate for the foregoing purpose, not exceeding twenty-five acres in extent.

Name.

Limit of land to be held.

Revenues how applied.

**2.** All the revenues of the corporation over and above the purchase money for the land, from whatever source they may be derived, shall be devoted, first to the building and keeping in a proper state of repair suitable fences and gates, and the payment of all other necessary expenses; secondly to an annual dividend on the paid up stock not to exceed ten per cent of the same; and lastly to the improvement and decoration of the grounds.

Rules and by-laws

**3.** The said corporation may make such by-laws and rules as shall be deemed necessary for the management of the affairs of the said company, and may, from time to time, amend or repeal such by-laws and rules.

4. The corporation may administer their affairs by such Officers and and so many directors and other officers, and make such their duties. restrictions as touching their powers and duties, as by by-law they may from time to time ordain.

5. This act shall come into force on the day of the sanc- <sup>Act in force.</sup> tion thereof.

### C A P. L X I I I.

An act to incorporate "The French Canadian Artisans' society of the city of Montreal."

[*Assented to 28th December, 1876.*]

WHEREAS the persons hereinafter mentioned have, <sup>Preamble.</sup> by their petition, prayed that they be incorporated under the name of "The French Canadian Artisans' society of the city of Montreal ;" whereas the said association is founded with a view of mutual aid and protection, and to assure to widows and heirs of all members of the said association or who shall hereafter become members thereof, pecuniary assistance; by means of contributions payable upon the death of such persons ; and whereas it is just to grant the prayer of the said petition ; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts follows :

1. Louis Archambault, Joseph Mercier, Pierre Giguère, <sup>Constituted</sup> Isidore Paquet, Toussaint Labelle, Edouard Grondin, <sup>corporation.</sup> Pierre Desautels, Léandre Lamontagne, Jean-Baptiste Bélanger, and such other persons as now are members of the said association, or who shall hereafter become members thereof under the provisions of the present act, shall be and are hereby constituted a body politic and corporate under the name of "The French Canadian Artisans' <sup>Name.</sup> society of the city of Montreal," and, under such name, may exercise all the general powers with which corporations are vested, due regard being had to the provisions of the present act, and may acquire, hold and possess all <sup>Powers.</sup> property movable and immovable, and may hypothecate, alienate, lease or otherwise dispose of the same in whole or in part, from time to time, and as occasion may require, and acquire others in the place thereof, provided that the said immovable property does not exceed in <sup>Limited</sup> value the sum of five thousand dollars per annum.

2. The majority of the members of the said society, at <sup>Rules, by-</sup> a general meeting, shall have full power and authority <sup>laws, &c.</sup>

to make and enact rules, by-laws and regulations, not contrary to this act or to the laws in force in this province, as the said corporation may deem necessary in the interest and for the management of the affairs of the said society, and for the admission of members and their expulsion. Two thirds of the members of the said society may, at a general meeting, amend, change and modify the said by-laws as the necessities of the society may require, and such by-laws shall not have any force or effect until they shall have been approved by the Lieutenant-Governor in Council.

Approval of  
L.-G. required.

Board of  
directors.

**3** The affairs of the said society shall be managed and administered by a board of directors, composed of ten members of the said society, and elected at a general meeting convened for that purpose.

Quorum.

Six shall form a quorum of the board.

Term of  
office.

The directors shall remain in office during one year, except one half of them who shall be elected at the first general meeting, who shall remain in office for six months only: thereafter, every six months, at a general meeting of the said society, elections shall be held to replace such directors as shall have been one year in office.

Censors and  
their duties.

**4** At the general meeting, the members of the said society shall elect by ballot three members out of the board of directors, to exercise the office of censors. They shall remain in office for three years, and shall examine the accounts and enquire into the management of the affairs of the said society. They shall take part in the meetings of the board of directors, and have a right of discussion and may, from time to time, on a unanimous decision, call a general meeting of the members of the said society.

Place of  
business.

**5** The place of business of the said society shall be fixed at Montreal, and the central board shall be there established, and shall include within its supervision the judicial district of Montreal.

Branches.

On the decision of a two thirds vote of the members of the said society, at a general meeting, branches of the said society may be established, wherever in the province of Quebec the number of members shall require it, and their position, as to the internal management of their affairs and to the central board, shall be regulated by the decision of a general meeting by a majority of two thirds of the votes.

Suits.

**6** The said society may sue and be sued before any court of justice, for the recovery of any sums of money that may hereafter be due to it or which it may owe.

7. The society shall have full power to regulate the <sup>Regulations</sup> &c. conditions under which any person may become a member thereof or continue so to be, to fix the amount of aid to each of the members, in case of death, the place and time at which such aid shall be paid, and generally to pass all by-laws requisite to assure the proper working of the society, subject always to the approval of the <sup>Approval</sup> Lieutenant-Governor in Council, as provided by section 2 of this act.

8. No sum of money, to which any of the heirs or legal <sup>Moneys not</sup> representatives of a deceased member shall be entitled <sup>liable to</sup> <sup>seizure.</sup> under this act and the by-laws of the said society, shall be liable to seizure either before or after judgment; provided, always, that nothing in the present section shall affect the right of any creditor regarding any sum <sup>Proviso.</sup> due by the said corporation to any of its members, in consequence of any contract or undertaking concluded between the said corporation and such member.

9. Should the said corporation take part, as such, in any <sup>Strike</sup> way, in a strike, or encourage the same, it shall forfeit all privileges resulting from the present act.

## C A P . L X I V .

An act to consolidate the several acts incorporating "The mechanics' institute of Montreal," and amending the same, and to make further provision respecting the said corporation.

[Assented to 28th December, 1876.]

WHEREAS the mechanics' institute of Montreal, a <sup>Preamble.</sup> body corporate and politic, constituted as such under and by virtue of the act passed in the eighth year of Her Majesty's reign, Cap. 98, and intituled: "an act to incorporate the mechanics' institute of Montreal," which act was amended by the 23 Vict., Cap. 137, have, by their petition in that behalf, prayed that the said several acts should be consolidated, and that further power should be granted to the said corporation, and it is desirable to grant the prayer of the said petition; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. The mechanics' institute of Montreal, and the several members thereof, together with such other persons as <sup>continued.</sup>

Name.

Seal.

General powers.

Limited value.

Last will.

Suits.

Officers.

General committee.

may hereafter become members of the same, shall be and remain a body politic and corporate, by the name and style of "the mechanics' institute of Montreal," and by that name, shall have perpetual succession and a common seal, and shall have power from time to time to alter, renew or change such common seal at their pleasure, and shall, by the same name and from time to time and at all times hereafter, have the right to hold, possess and enjoy, to them or their successors, any real estate and property as may now belong to the said corporation ; and further it shall be lawful for the said corporation to have, take, receive, purchase, acquire, hold, possess and enjoy to them and their successors, to and for the uses and purposes of the said corporation, any other messuages, lands, tenements and hereditaments of what nature, kind or quality soever, situate and being within the province of Quebec, not exceeding in yearly value the sum of twenty-five thousand dollars ; and also to take, receive, purchase, acquire, have, hold and possess, to and for the same uses and purposes, any goods, chattels, gifts, benefactions or bequests ; provided, always, that if such gifts or benefactions consist of real estate, their annual value together with property already held by the said corporation, shall not exceed the said annual value of twenty-five thousand dollars ; such real estate or such proportion thereof as may be necessary to sell in order to keep within said limitation, shall be sold and disposed of for the benefit of said corporation within the period of one year after the corporation shall have become proprietor of the same ; and provided always, that no will shall be valid and sufficient to pass any real or personal estate to the said corporation, unless such will shall have been executed by the testator three calendar months before his decease.

**2.** The said corporation, by the same name, may sue and be sued in all Her Majesty's courts, and may answer and defend any suit in which said corporation may be impleaded, in the most full and ample manner.

**3.** For the management of the affairs of the said corporation, there shall be elected, by the members of the said corporation and by a majority of votes of the members present, at any special or annual meeting thereof, the following officers :

A president, a vice-president, a secretary and a treasurer, as also ten other members, who, with the officers hereinbefore named and the retiring president, shall constitute and form the general committee of the said corporation, the officers to be elected for a period of one year, the other ten members of committee to be elected

for two years, one half of the ten members to retire annually in rotation ; the five members who have the lowest number of votes at the first election under this act <sup>Election.</sup> shall be the first to retire, and they, together with the retiring officers, shall be eligible for re-election ; the retiring president shall be *ex-officio* a member of the new general committee during his successor's term of office ; and at least two thirds of the said general committee shall be elected from among the operatives or retired mechanics or manufacturers then members of the said corporation ; provided, always, that it shall be competent for the said corporation, by a by-law to be passed for that purpose, to declare what number shall constitute a 'quorum' of the <sup>Quorum.</sup> said general committee for the execution of the powers vested in said committee ; provided always, that no member shall be eligible for election as an officer or a member of the general committee unless he has been a member of the corporation for at least two years immediately preceding the time of election and has fully paid up all his dues to said corporation. <sup>Qualification.</sup>

**4.** The annual meeting, for the election of the said <sup>Annual</sup> officers and members, to compose the said general committee of the said corporation, shall be held in conformity with any by-law that may be passed for that purpose ; provided, always, that whenever the day appointed by this act or by any by-law shall happen on a legal holiday, or in the event of any thing happening to prevent the said election from taking place, it shall be competent to the said corporation to enact, by any such by-law or amendment thereto, in what manner such election shall take place, and such election so made under the provisions of said by-law or amendment thereto shall avail to all intents and purposes, as if such by-law or amendment had been incorporated in this act.

**5.** In the event of any vacancy occurring in any office <sup>Vacancies.</sup> of the said corporation or among the members of any committee thereof, by death or otherwise, the said corporation, by a by-law to be passed for that purpose, shall provide for the filling of such vacancy, and the persons so appointed shall hold office for such time only as the persons whom they replace would have held office.

**6.** The said corporation shall consist of an indefinite <sup>Classification</sup> number of ordinary, annual, subscribing, corresponding and honorary members ; all of whom shall be chosen in conformity with such by-laws as may be passed by the said corporation ; the ordinary members being those who are now life members of the said corporation or who shall hereinafter become members thereof for life ; and who <sup>Ordinary</sup> members. Digitized by Google

Subscribing members.

shall pay and contribute to the funds of the said corporation, such a sum as may, from time to time, be enacted by any by-law of the corporation ; the annual subscribing members being those who shall pay and contribute to the funds of the said corporation, such annual subscription as may, from time to time, be enacted by any by-law ; the corresponding and honorary members being entitled to all the privileges enjoyed by other members, except the right of voting and holding office.

By-laws, regulations, &amp;c.

7. It shall be lawful for the said corporation by any by-law or by-laws, to enact in what manner and at what periods any annual, or general, or special meeting shall be convened, to provide for the admission of new members, the election and appointment of officers, and generally for the government and control of the officers and members of the said corporation ; to define what shall be the powers and duties of the several officers of the said corporation, and of the members of the general committee, likewise to declare what shall be the rights, privileges and liabilities of life members, and of all other members of said corporation, and under what circumstances they shall incur forfeiture of such rights and privileges, and be liable to exclusion from the said corporation or to any fine or penalty as hereinafter provided, and further to provide for the administration of the affairs of the said corporation in the most comprehensive form notwithstanding any special provision hereinbefore contained.

Date of annual meeting.

8. Until otherwise provided for by by-law, the annual meeting for the election of the officers and general committee of the said corporation shall be held on the first Monday in December in each and every year, and the present officers and members of the committee, at the time this act comes into force, shall continue in office until the next annual meeting, to take place under this act or under any by-law passed regulating the time of such annual meeting.

Present by-laws.

9. The by-laws of the said corporation now in force shall continue to be the by-laws of the said corporation until the same are repealed or amended by any new by-law or by-laws, to be enacted by the said corporation by a majority of the two thirds of the members present.

Amendments.

10. All such by-laws as are now in force, and every by-law hereafter to be passed may be repealed, altered or amended by any subsequent by-law or by-laws, to be enacted by the said corporation or a majority of the members present, provided, always, that one month's notice of the proposed alteration or repeal be given.

Notice required.

**11.** All subscriptions and penalties, due or to become moneys due, due to the said corporation, may be recovered by suit at law, instituted in the name of such corporation, but a member may withdraw from the association at any time after the payment of all money due by him to the said corporation. *Resignation.*

**12.** A copy of any by-law or by-laws, certified by the president and secretary, under the seal of the said corporation, to be a true copy, shall be received as *prima facie* evidence of such by-law and the contents thereof in all Her Majesty's courts. *make proof.*

**13.** The several acts mentioned in the preamble of this Repeal. act are hereby repealed.

## C A P. L X V.

An act to incorporate the Quebec joiners' union society.

[Assented to 28th December, 1876.]

WHEREAS the president and a certain number of the *Preamble.* members of the Quebec joiners' union, have by their petition, represented to the Legislature that such association has been constituted for the purpose of mutual assistance, in the case of illness or infirmity of any of its members, and of affording to the widows and children of deceased members certain allowances and indemnities; and whereas the members of the said association have, by their petition, prayed to be incorporated; and whereas it is expedient to grant their prayer; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

**1.** Honoré Lecomte, Michel Gauvreau, Charles Laperrière, Louis Etienne Marceau, Pierre Audy, Louis Pepin, Joseph Labrèque, Salem Lecomte, Pierre Careau, Alfred Ouellet, Joseph Desroches, Edouard Fréchette, Honoré Lecomte, Edouard Côté, Louis Laperrière, Elzéar Martel, Antoine DeVarennes, Alphonse Bouchard, Napoléon Nadeau, Joseph Beaudoin, Joseph Corbin, Telesphore Routhier, and all other persons who are now, or may hereafter become members of the said association, under the provisions of the present act, shall be, and they are hereby constituted a body politic and corporate under the name *Name.* of "The Quebec joiners' union," and under such name may exercise each and every the general powers whereof *gle*

General powers.

corporate bodies are possessed, regard being always had to the provisions of this act, and further may, by any legal title, hold and possess any real and personal property, and may hypothecate, alienate, lease and otherwise dispose of the same, in whole or in part, from time to time and as occasion may require, and acquire other instead thereof, provided that such real property shall not exceed the annual value of four thousand dollars.

Property and claims.

**2.** All the property, movable and immovable, of the said association, and all the rights and claims of the same, shall become the property of the said corporation, and the members of the said corporation shall not be personally liable for its obligations.

Present by-laws and officers.

**3.** The by-laws of the said association, or their amendments, if they are not contrary to the present act, and to the laws of this province, shall be the by-laws of the said corporation, until the same are repealed or amended, in conformity with the act of incorporation; and they shall not be put into force or have any effect until the previous approbation of the lieutenant-governor in council shall have been given; and the present officers shall be the officers of the said corporation, until others shall have been elected, in conformity with the by-laws and the law.

By-laws and regulations, etc.

**4.** The majority of the members of the said corporation, present at any meeting, held or convened in conformity with the by-laws of the corporation then in force, shall have full power and authority to enact all by-laws for the government of the said corporation, the administration of its affairs, the admission of new members, the meetings of the said society, its directors or officers, establishing the amount of the monthly, annual or other contributions to be paid by its members, the election or appointment of officers, and to define their powers, and for the government and conduct of the said officers and administrations and of the members of the said society; and they shall have the power, by such by-laws, to impose a fine or penalty not exceeding five dollars, for the breach of the said by-laws; provided, always, that no such by-law, rule,

Restriction.

regulation or resolution, made under this section and the two preceding sections, shall have for object the fixing of the minimum wages of such members or the number of working hours or the controlling in any way the work of any member of such corporation, and any member who shares in any strike, shall forfeit all his rights and privileges as a member.

Strike.

**5.** Any such by-law, rule, regulation or resolution may

be repealed; altered or amended by any subsequent by-law, rule, regulation or resolution, provided that such alterations have been proposed at a previous monthly meeting, and adopted by a majority of two-thirds of the members present, subject, nevertheless, to the approbation <sup>Approval.</sup> of the lieutenant-governor in council, as provided by section 3 of this act.

**6.** The said corporation shall be obliged to make an annual report to the lieutenant-governor and the two branches of the Legislature, giving a general statement of its affairs; which said report shall be presented within the first twenty days of each session of the Legislature. <sup>Report to Legislature.</sup>

**7.** No sum of money granted by the said corporation, under its constitution or under any of its by-laws, by way of aid or assistance to any of its members when ill, or to the widow and orphans of a deceased member, shall be liable to seizure either before or after judgment; provided, always, that nothing in this section shall prejudice in any manner whatsoever, the rights of any creditor to any sum of money due by the corporation to any of its members, under any contract or undertaking entered into between the said corporation and such member. <sup>Monies not liable to seizure.</sup> <sup>Proviso.</sup>

**8.** All subscriptions or penalties due to the said corporation, under any of its by-laws, may be recovered by suit at law instituted in the name of such corporation; but a member may, at any time, withdraw from the association, by paying all sums that he may owe to the said corporation, including his subscription for the then current year. <sup>Moneys due.</sup> <sup>Resignation.</sup>

**9.** If the said corporation shall, in any way, share in a strike, or encourage the same as a corporation, it shall forfeit all the rights that are granted by this act.

## C A P. L X V I .

An act to incorporate the association known as the "Hackmans Union Benefit society of the city of Montreal."

[*Assented to 28th December, 1876.*]

**W**HEREAS an association known by the name of the <sup>Preamble.</sup> "Hackmans Union Benefit Society of the city of Montreal" has been organized, and now exists in the city of Montreal, for the purpose of placing those who follow,

for a living, the business of hackmen and carriage drivers in the city of Montreal, upon a respectable footing, and affording to the citizens thereof greater security against imposition, dishonesty or improper practices, and of affording relief in cases of distress to unfortunate members of the said association;

And whereas Francis Archambault, President of the said association, Timothy Gleeson, Vice-President of the said association, Lawrence McMahon, Secretary of the said association, and Patrick Sharkey, Treasurer of the said association, and the following persons, active members thereof, namely—John Norton, James Humphries, George McAfee, Peter Daly, John Laverty, Anthony Linnott, Israel Gauthier, Samuel Dezire, Joseph Pepin, Michel Tiffaux, Denis Miron and Paul Monette have by their petition prayed that the said association be incorporated, and it is expedient to grant the prayer of their said petition; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Constituted corporation.

**1.** The following persons, Francis Archambault, Timothy Gleeson, Lawrence McMahon, Patrick Sharkey, John Norton, James Humphries, George McAfee, Peter Daly, John Laverty, Anthony Linnott, Israel Gauthier, Samuel Dezire, Joseph Pepin, Michel Tiffaux, Denis Miron and Paul Monette together with such other persons as are now members of the said association or who may hereafter become members thereof shall be and are hereby constituted a body politic and corporate under the name of the "Hackmans Union Benefit Society of the city of Montreal," and shall by the same name, and from time to time and at all times hereafter, acquire, hold, possess and enjoy for the use of the said corporation, and for the purposes for which they are incorporated any real and immovable property situated in the city of Montreal or its vicinity, and may sell, alienate and hypothecate and otherwise dispose of the same, whenever the said corporation may deem it proper so to do, and to acquire other property instead thereof for the same purposes, but the annual value of such property shall not, at any time, exceed the value of two thousand dollars.

Name.

General powers.

Limited revenue.

Present by-laws and others.

**2.** The rules, by-laws and regulations of the said association existing at the time of the passing of this act, which may not be inconsistent with the laws of the province shall be and continue to be the rules, by-laws and regulations of the said corporation until amended, modified or repealed in the manner hereinafter provided; and the said corporation shall have the power to make and establish, from time to time, such rules, by-laws and regulations

lations consistent with this act and with law as may be deemed expedient and necessary for the interest and administration of the affairs of the said corporation, and for the admission of members thereto, and may amend, modify and repeal the same, from time to time, in whole or in part.

3. The said corporation shall have power to appoint Managers and officers, such attorney, or manager for the administration of its property, and such officers, administrators and servants as may be required for the due management of its affairs, and to allow them respectively a reasonable and suitable remuneration ; and all the officers so appointed may Remuneration. exercise such other powers and authorities for the due management and administration of the affairs of the corporation as may be conferred upon them by the rules and regulations of the said corporation.

4. All the real and personal property whatever, belonging to the said association, and all debts, claims for subscriptions or contributions of members and other rights accruing to the said association under any of its regulations, shall be vested in the corporation constituted by this act ; and the said corporation shall be charged with the liabilities and obligations of the said association.

5. The rents, revenues and profits arising out of every description of property belonging to the said corporation shall be appropriated and employed to the exclusive use of the same ; to the construction and repairs of the buildings required for the purposes of the corporation, and to the payment of expenses legitimately incurred in carrying out any of the objects relating to the aforesaid purposes.

6. No member of the corporation shall be liable for any of the debts thereof beyond a sum which shall be equal to the amount of the original entrance fee and the respective share of every member in the amount of the subsequent contributions or divisions which might be hereafter levied or allotted between all the members of the said corporation for the time being, in equal shares, and which might remain unpaid by such member ; and any member of the corporation, not being in arrear, may Resignation. retire therefrom, and shall cease to be such member on giving notice to that effect, in such form and manner as may be required by the constitution, rules and regulations thereof, and thereafter shall be wholly free from liability for any debt or engagement of the corporation ; and every member expelled or retiring from the corporation, or whose name shall have been struck out of the list of the

members, for any of the reasons mentioned in the constitution, rules and regulations of the said corporation shall *ipso facto* forfeit all rights of membership.

**Moneys due.** 7. The said corporation shall have full power to collect and enforce by suit at law, or other legal process, the payment of all subscriptions, or instalments on subscriptions as well as all debts and claims of any nature or kind soever which may become due to the said corporation by any of its members under and by virtue of any of the provisions of the present act.

**Suits.** 8. The said corporation may sue or be sued in all courts of justice for all sums hereafter to become due to or by the said corporation.

**Moneys not liable to seizure.** 9. No sum of money granted by the said corporation, in virtue of its constitution or any by-law, for the purpose of aiding or assisting any member when sick, or the widow or orphans of any deceased member, shall be liable to seizure, either before or after judgment; provided, always, that nothing contained in the present section shall prejudice, in any manner whatsoever, the right of any creditor with regard to moneys due by the corporation to any member, either by reason of a contract or other undertaking entered into between the said corporation and such member.

**Copy to make proof.** 10. A copy of any by-law or by-laws certified to be true copy or copies by the president and secretary of the said corporation under the seal of the said corporation shall be received as *prima facie* evidence of the passing of such by-law or by-laws and of the contents thereof, in all courts of justice in any civil suit or proceeding.

## C A P . L X V I I .

An act to regulate the floating of cord-wood, on the innavigable portion of the river St. Francis.

[*Assented to 28th December, 1876.*]

**Preamble.** WHEREAS it appears that there exist abuses in the floating of cordwood on the innavigable portion of the river St. Francis, and that these abuses occasion numerous suits at law and considerable losses to the persons engaged in the cord-wood business in the neighbourhood of the said river; and whereas it is urgent that this state of affairs be remedied; Therefore, Her

Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. There shall be an officer or person appointed to regulate the floating of cord-wood on the innavigable portion of the river St. Francis, which is situated in the counties of Drummond and Yamaska ; and he shall be designated under the name of "Trustee of the river St. Francis." Appointment of trustee.
2. The trustee shall be appointed by the municipal council of the county of Yamaska ; and he shall retain office during the pleasure of the council. Item; term of office.
3. The trustee shall be a male inhabitant, of the full age of majority, of any one of the municipalities on the river St. Francis, within the limits of the county of Yamaska. Qualification.
4. Before acting as such, the trustee shall take an oath well and faithfully to fulfil the duties of his office ; he shall take such oath of office before the warden of the county or the secretary-treasurer of the county council, and the record of his having taken such oath of office shall be deposited in the archives of the county council. Oath of office.
5. Every person shall, before placing cord-wood in the innavigable portion of the river St. Francis or in its tributaries, in order to bring the same down to the navigable waters, by means of rafts, notify the trustee and cause the same to be inspected, measured and received by him ; and wood thus received shall not be thrown into the river or any of its tributaries, except at the times fixed by the trustee. Putting of wood in water. Notice required. Inspection. Order.
6. So as to facilitate the inspection and determine the quantity and the quality of his cord-wood, every person, desirous of bringing down cord-wood afloat on the innavigable part of the river St. Francis, shall cord the same so that the trustee may conveniently examine it and see each side of the piles. If the trustee should find that any lot of wood is not properly corded, he shall order that the same be corded anew ; and such lot shall not be inspected and received by the trustee until after it has been corded again and in a proper manner by such person. Manner of cording wood.
7. Cord-wood shall be divided into three classes : the first class shall include maple, beech, and birch ; the second class, bass wood, white birch (*bouleau*) and tamarac, the third, other wood. Classification of wood.

Allowances.

**8.** In receiving any lot of wood, the trustee shall make all allowances and deductions necessary by reason of its length, to establish the quantity thereof. The wood shall be received in classes.

\*Register of wood received.

**9.** The trustee shall keep a register in which he shall enter the name, occupation and residence of each person who shall deliver to him a lot of wood, the date of its reception, the quantity and quality of wood received and its class. He shall deliver to each such person a certificate, in conformity with such entry.

Certificate delivered.

Day for putting in water.

**10.** The trustee shall fix the day upon which the persons having timber to float, shall put the same in the water; and he shall notify them thereof either verbally or in writing. Each class of wood shall be, as much as possible, placed in the water and brought down separately; but the trustee may, when he deems it convenient or urgent, allow and authorize two or three different classes to be placed in the water and brought down at the same time.

Workmen required.

**11.** The trustee shall fix the number of men to be employed by each party interested in a drive, to assist in bringing down and taking out the wood, in proportion to the quantity of wood contained in each lot; and if any party makes default to furnish the required number of men, the trustee shall engage the number that are wanting and set them to work at the expense of the party in default.

Superinten-  
dence of  
trustee.

**12.** The trustee shall superintend the drive of the wood as far as the bar which shall be situated above the navigable water, and also the drawing out of the wood at the bar.

Wood brought  
down, corded  
and divided.

**13.** All cord-wood in each drive shall be corded at the bar and measured, on being taken out of the river, by the trustee; and the trustee shall establish the diminution in the quantity of wood that has occurred in the bringing down of the drive, and he shall divide such loss, and shall enter in his register the proportion to be borne by each of the parties interested.

Where deli-  
vered.  
Deduction.Entry in  
register.

**14.** The timber shall be delivered at the bar according to classes. After having received the wood of any drive, the trustee shall make all deductions or allowances necessary in regard to quality of the wood belonging to each of the parties interested, so as to equalize as much as possible the interests of parties having wood in each class; and he

shall enter in his register the increase or decrease to be made to each, so as to establish such equality of interest.

**15.** The trustee shall deliver to each party interested his share, established as hereinbefore provided, of each drive; but during the time the wood is being taken out of the water, he may, before establishing the share of each, deliver to each such party such quantity of wood as he may deem suitable, on account. The wood delivered on account shall be marked, on each delivery, upon the certificate of such party; and in receiving the complement of his share or his whole share at once, each party interested shall return his certificate to the trustee.

**16.** The decisions of the trustee, upon all matters within his charge, shall be final; and the entries in his register, which shall all be dated and signed, and the certificates given by him to the parties interested shall make proof of their contents.

**17.** Any person who shall throw any cord-wood into the innavigable portion of the river St. Francis, before it has been received by the trustee, or before such person shall have been notified of the day upon which he shall throw in such wood, shall not have the right to take any wood from the bar before the trustee shall have delivered and distributed to the persons who shall have brought down their wood in conformity with the provisions of this act, the quantity of wood to which he shall decide that they respectively are entitled, after having estimated, in the manner he shall deem the most equitable, the loss occasioned during the drive; and the persons contravening the provisions of this act shall take the wood that remains, without having any right to any indemnity, for any loss that they may pretend to have suffered.

**18.** Every person who shall draw out or take wood at the bar without the permission of the trustee shall incur a fine not exceeding fifty dollars for each infraction.

**19.** The fines imposed by this act shall be recoverable before the district magistrate's court, for the county of Yamaska or before the circuit court for the county of Yamaska or before two justices of the peace, residing in the county of Yamaska.

**20.** All fines incurred by the same person may be included in the same action.

**21.** Every suit to recover fines imposed by this act shall be commenced within three months after the day

upon which they shall have been incurred, upon pain of forfeiture.

Prosecuting parties.

**22.** Such suit may be instituted by the trustee, or by any person of the age of majority in his own name.

Witnesses.

**23.** Such suit may be decided on the evidence of one credible witness.

To whom fines belong.

**24.** The fines recovered under this act shall belong one half to the plaintiff and the other half to the trustee, who shall impute the same, first to his salary, and afterwards to his fees.

Execution of judgment.

**25.** The judgment shall be executory at the expiration of fifteen days from the date thereof.

Fees and salary of trustee.

**26.** The trustee shall have a right, for his services, to a fee for each cord of wood received by him, and to a salary for each day on which he is employed in superintending the bringing down of a drive; and the council of the county of Yamaska shall establish a tariff for such fees and salary, and may change the same from time to time.

Tariff.

The fee upon each cord received shall be paid by each party interested for his lot; and the amount of the salary for the time spent by the trustee, in bringing down such drive, shall be divided between the parties interested, in proportion to the quantity of wood belonging to each, and each shall pay to the trustee his proportion thereof.

Recovery thereof.

**27.** In case of the refusal or neglect of any person to pay such fees and proportion of salary, they shall be recoverable by the trustee, before any court of competent jurisdiction.

Recovery of wages.

**28.** The trustee may, in the same manner, recover from the persons making default to furnish the number of men required by him, the wages of the men that he may have engaged to replace such men.

Privileges of trustee.

**29.** The trustee shall, upon the cord-wood of each party interested, have a lien for the recovery of what is due by such party for fees and salary as well as for the recovery of the men's wages; this privilege shall have priority after costs of suit and expenses incurred in the common interest; and for retaining such privilege the trustee shall have a right to a conservatory writ of attachment as an incident in any suit that may be brought by him for the recovery of his claims.

Rank, &c.

**30.** The trustee shall have the right to appoint a deputy trustee and to remove him from time to time ; and in case of sickness or absence of the trustee, such deputy shall act in his place and perform all his duties. In case of the resignation or decease of the trustee such deputy shall fulfil his duties until a successor to the trustee shall have been appointed.

The deputy shall be remunerated by the trustee when he shall act in his stead : in the case of the resignation or death of the trustee, he shall have a right to the fees and salary allowed to such trustee.

**31.** The deputy trustee shall possess the same qualifications and take the same oath as the trustee. He shall take such oath before the warden of the county or the secretary-treasurer of the council of the county of Yamaska. The document appointing or removing the deputy trustee and the record of his having taken the oath, shall be deposited by the trustee among the archives of the council of the county of Yamaska.

Should the trustee not know how to write, the document appointing or removing the deputy trustee shall be drawn up and received by the secretary-treasurer of the county council.

**32.** If the trustee does not know how to write, he shall have the right to appoint a clerk, who shall be known by the name of "clerk of the trustee of the River St. Francis," and to remove him from time to time.

Before acting as such, the clerk shall take an oath before the warden of the county or the secretary-treasurer of the council of the county of Yamaska well and faithfully to perform the duties of his office.

The document appointing or removing a clerk shall be drawn up and received by the secretary-treasurer of the county council ; and the said documents as well as the record of the oath of office of the clerk shall be deposited among the archives of the council of the county of Yamaska.

**33.** The clerk shall keep the register of the trustee, and, under the direction of the trustee, he shall make therein all the entries required by this act, and shall sign the same. He shall write under the direction of the trustee and sign all the certificates and the notices which the trustee is obliged to give, and he shall also endorse the certificates given on account.

The entries in the register made and signed by the clerk, and the certificates, endorsements on account and notices written and signed by him, shall have the same

effect and make the same proof of their contents as if they had been given under the trustee's own hand.

When clerk  
must be ap-  
pointed.

**34.** Whenever the trustee shall appoint a deputy trustee who does not know how to write, he shall appoint a clerk at the same time.

His salary.

**35.** The clerk shall be paid by the trustee when he acts under his direction or under the direction of the deputy trustee acting for him; he shall be paid by the deputy trustee after the resignation or decease of the trustee.

## C A P. L X V I I I .

### An act concerning the water-works of St. Johns.

[Assented to 28th December, 1876.]

Preamble.

**W**HEREAS Louis Molleur the younger, esquire, E. Z. Paradis, esquire, advocate, J. P. Carreau, esquire, advocate, Joseph l'Ecuyer, esquire, notary public, and Olivier Hébert the younger, esquire, farmer, all of the town of St. Johns, and sole shareholders in the capital stock of the water-works company of St. Johns, have by their petition represented that they unanimously desire to constitute the said Louis Molleur the younger, the sole proprietor in his own name of all the property, rights and privileges of the said company, subject to all the obligations and responsibilities thereof, and whereas it is advantageous for the said shareholders, and for the public to pass an act for that purpose; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

**1.** Louis Molleur the younger, of the town of St. Johns, in the district of Iberville and province of Quebec, is and shall be the sole proprietor in his own name of the water-works of St. Johns, in place and stead of the water-works company of St. Johns, and he is substituted to the said company as proprietor of all the property, and charged with all the obligations and responsibilities of the said company.

Obligations.

**2.** The said Louis Molleur the younger, his heirs and assigns, shall have the exclusive right and privilege, from this date until the first day of January one thousand nine hundred and twenty-two:

His rights  
and privi-  
leges.

1. Of placing pipes or water conduits under the streets and public squares of the town of St. Johns;

2. To exercise, for the above purposes, all the rights and privileges granted to the said water-works company of St. Johns, under the provisions of chapter 65 of the consolidated statutes of Canada and its amendments, subject to all the obligations to which the said company are liable towards the corporation of the said town of St. Johns, under the said act and its amendments.

3. If at any time or for any reason whatsoever the said Louis Molleur the younger, his heirs and representatives, refuse or neglect to fulfil all the obligations imposed on them by this act, after having been placed *en demeure* so to do by the corporation of the said town of St. Johns, the said Louis Molleur the younger, his heirs and representatives, may be deprived of the exclusive privilege hereinabove established in their favor.

4. The water from the said water-works, which shall be pure and healthy, shall be sold and distributed to such of the inhabitants of the said town as shall be willing to receive it at the price, and on the conditions, which the said Louis Molleur the younger shall establish.

5. The corporation of the town of St. Johns shall have the right of gratuitously using at all times the water from the said water-works for the extinction of fires, the exercise of fire engines and it shall be lawful for the said corporation for this purpose to construct and place as many lateral pipes, water-plugs or reservoirs as they shall deem requisite, which said pipes, water-plugs or reservoirs and accessories made and maintained by and at the expense of the said corporation, shall be exclusively under their control.

The said Louis Molleur the younger, his heirs and representatives, shall be, nevertheless, bound on the demand of the said corporation, to keep a constant pressure of fifty pounds of steam, per square inch, in the boiler of the said water-works, so that the same may be made use of in case of fire, upon the corporation paying them therefor, a sum to be fixed by arbitrators in the absence of agreement between them ; the whole without prejudice to existing agreements between the said corporation and the said company.

6. At any time after the first day of January, one thousand eight hundred and eighty-four, until the first day of January, one thousand eight hundred and ninety-nine, the said corporation of the town of St Johns shall have the right to purchase the said water-works, and all the accessories thereof, by paying to the said Louis Molleur, the younger, his heirs or assigns, the value of the said

Case of refu-  
sal or negli-  
gence.

Water fur-  
nished.

Right of the  
town.

Obligation of  
L. Molleur.

Right of the  
town to pur-  
chase from  
1884 to 1899 ;

After 1899.

Arbitrators.

water-works at the time of the purchase thereof, together with fifteen per cent in addition thereto, and at any time after the said latter date (1899), the said corporation shall have the right to purchase the said water-works by paying only the value thereof, at the time of the said purchase. This value, if it cannot be amicably settled between the parties, shall be determined by two arbitrators, one of whom shall be named by the said corporation, and the other by the proprietor of the said water-works. In the case of a difference of opinion between the two arbitrators, they shall appoint a third arbitrator or umpire to decide between them; the decision of the majority of the said arbitrators and umpire shall be final, and in the event of their not agreeing as to the appointment of a third arbitrator, the appointment shall be made by any judge of the superior court exercising his functions, in the district of Iberville, on the application of either of the interested parties.

Resolution of the council.

Price to be mentioned.

**7.** The municipal council of the said corporation, in deciding upon the said purchase shall proceed by resolution. If, before the adoption of such resolution by the said council, the latter can agree upon a price with the said Louis Molleur the younger, his heirs and representatives, then such price shall be specified in the resolution.

In the contrary case, the resolution shall declare that the purchase is to be made at a price to be fixed by arbitrators.

For the resolution of the council to take effect, it must be approved by the vote of the majority, in number and in real value, of the proprietors of real estate in the said town, according to the rules and proceedings specified in section 15 of the act of this province 39 Vict., ch. 48.

Arbitrators.

If the price has not been determined and specified in the resolution of the council, it shall, after the approval of such resolution by the electors, be established by arbitrators in the manner hereinabove set forth.

Purchase by consent.

**8.** The purchase of the said water-works may be made by the said corporation at any time before the date fixed by the preceding section six, provided that the said Louis Molleur the younger, his heirs and representatives, consent thereto, and in such case the formalities hereinabove described shall also be pursued.

By-law to compel rate-payers to take water.

**9.** The said corporation may, at any time, pass a by-law compelling each rate-payer of the town of St. Johns, to supply himself with water from the said water-works, and to pay the cost thereof, (whether he be in want of such water or not), according to a tariff to be established in the manner hereinafter set forth. Such by-law, how-

ever, shall not take effect, until approved by the majority of the rate-payers of the said town, whose names shall have been enregistered. The manner of voting shall be that set forth in section 15 of ch. 48 of the act 39 Vict.

**10.** After the approval of such by-law, as hereinabove Water tariff, set forth, the said corporation, if it can come to an agreement with the owner of the water-works, shall proceed to fix the tariff above mentioned, by a by-law passed to that end ; and, if such friendly agreement cannot be arrived at, the rates of such tariff shall be fixed and established by two arbitrators, one of whom shall be appointed by the proprietor of the water-works and the other by the said corporation ; such arbitrators, in the case of a division of opinion, shall appoint a third arbitrator or umpire, to decide between them, and in the event of their not being able to agree as to such appointment, it shall be made by the judge of the superior court for Lower Canada, sitting in and for the district of Iberville. The decision of the majority of the said arbitrators and umpire shall be final.

In the event of refusal or neglect, on the part of one of the parties to appoint his arbitrator, within eight days after having been placed *en demeure* so to do by the other party, the latter may obtain such appointment by the judge of the superior court for Lower Canada, sitting in and for the district of Iberville.

Within fifteen days after the service of the report of the arbitrators on the said corporation, the latter shall cause to be made a table of tariff rates therein established, and publish it in the manner prescribed for the publication of municipal by-laws, under the act of incorporation of the said town, 22 Vict., ch., 106. From and after the publication of the said tariff, or of the by-law above mentioned, the said tariff shall come into force, and the owner of the said water-works shall be thenceforward bound to supply water to each and every the rate-payers of the said city, on the whole extent of the streets traversed by the pipes of the said water-works.

**11.** The tariff aforesaid may be, from time to time, <sup>Revision of</sup> ~~tariff.~~ revised and amended, on the application either of the corporation or of the owner of the water-works, by observing the same formalities as hereinabove established in relation to the settling of the ~~tariff.~~

**12.** The said corporation may require from the owner <sup>Laying down</sup> ~~of water pipes~~ required by any street of the said town, in which there are none, and in which the corporation shall deem it advisable ; provided that in accordance with the established tariff, the ~~corporation.~~

Proviso.

owner of the said water-works may be able to levy an annual amount equal to ten per cent on the value of the said work and materials supplied; and provided also that he be allowed a reasonable time to procure pipes and execute the work.

Public health and safety.

**13.** The pipes, reservoirs, as well as all the apparatus and accessories attaching in any manner to the said works, shall be placed in such a manner that the public health and safety shall be in no way endangered.

Act in force.

**14.** The present act shall come into force immediately after the sanction thereof.

## C A P. L X I X.

An act to authorize the Canadian Meat and Produce Company to issue preferential shares.

[*Assented to 28th December, 1876.*]

Preamble.

WHEREAS the Canadian Meat and Produce Company have, by their petition, represented that it is necessary, in order to carry out their undertaking, that they should have power to issue preferential shares to an amount not exceeding \$100,000, and have thereby prayed for the passing of an act for that purpose, and it is expedient to grant the prayer of the said petition; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Preferential stock.

**1.** The said company may issue shares not exceeding one thousand in number of the denomination of one hundred dollars each, which shall be known as preferential stock, and the holders thereof shall be entitled in each and every year to a dividend at the rate of ten per cent. per annum, before any dividend is declared or paid upon the balance of the stock of the company, which shall be known as ordinary stock.

After such rate is paid or set apart for dividends upon such preferential stock, the balance of profits applicable to dividends shall be devoted to the payment of a dividend not exceeding the said rate of ten per cent. per annum, upon the ordinary stock, and after the payment of such rate of dividend on the ordinary stock, the whole capital stock shall rank equally in respect of dividends, provided, that if in any year the holders of the preferential stock do not receive a dividend or dividends amounting to ten per cent per annum, the deficiency shall be

Proviso.

made up in the future before any dividends are declared upon the ordinary stock, but, without any interest upon any amounts so deficient. Provided also that such issue of preferential stock shall not be made until a by-law to that effect shall have been adopted by two-thirds in value of the shares represented at a general meeting, specially convened for the purpose of considering the same.

**2.** Any county, city, town, township, parish, or village municipality, may by by-law passed by the municipal council thereof contribute to said company a bonus in cash or otherwise, provided such by-law is sanctioned in the manner provided by the municipal code and approved by the lieutenant-governor in council.

**3.** Any by-law heretofore passed under the provisions of section 9 of the act 38 Vict., cap. 85, shall be valid.

**4.** This act shall come into force immediately after its sanction.

## C A P. L X X .

An act to incorporate "The Montreal Land Company."

[*Assented to 28th December, 1876.*]

WHEREAS the persons hereinafter named have, by their petition, prayed for an act to incorporate a joint stock company called "The Montreal Land Company," with power to hold real estate, to purchase, sell and lease land and other property in the island of Montreal, that may be employed for commercial purposes, manufactures, stores, storehouses, dams and water-powers; to develop and improve the said land, build, erect and maintain on the same, buildings, storehouses, stores or other buildings suitable for the above mentioned purposes, and to dispose of the same for such purposes or otherwise, and to carry on all kinds of manufacturing operations upon the land held by the said company, and to make advances upon security to the lessees or purchasers thereof; and whereas the establishment of the said company would favor the development of manufactures and commerce, and would contribute to the prosperity of the province; and whereas it is expedient to grant the prayer of the said petition; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Corporation. **1.** A corporation is formed and constituted to be known and called "The Montreal Land Company."

Capital. **2.** The capital of the said company shall be five hundred thousand dollars, divided into five thousand shares of one hundred dollars each.

Place of business. **3.** The principal place of business of the company shall be in the city of Montreal.

Object of the company. **4.** The object of the company shall be and they shall have power to possess real estate, purchase, sell and lease lands and other property suitable for trade, manufactures, stores, storehouses, dams and water-powers in the island of Montreal ; to develop and improve the said lands ; construct, build and maintain upon the same buildings, stores, store-houses or other constructions, that may be used for the above mentioned purposes ; dispose of the same for such purposes or otherwise ; carry on all kinds of manufacturing operations on the lands held by the said company or in the buildings built thereon ; and to make advances upon such conditions and security as may be agreed upon, to any person or persons who may lease or purchase any portion whatever of the real estate or buildings thereon erected ; provided always that no advance shall be made upon the security of the capital stock of the said company, to an amount exceeding seventy-five per cent. of its full value ; and provided also that the annual revenue of the real estate at any time in the possession of the said company shall not exceed the sum of fifty thousand dollars, and that they shall sell all real estate or land acquired by the said company, and left vacant or not built upon, or without development or improvement within the five years next after the acquisition thereof, and all the real estate thus acquired by them which shall have been developed and improved and built upon not exceeding five arpents in superficial extent within the twenty years next after the acquisition thereof.

Restrictions. Revenue limited. **5.** With the view of organizing the said company and of raising the amount of the above mentioned capital, John L. Cassidy, merchant, Joseph Brunet, contractor, Frederic L. Béique, advocate, all three of the city of Montreal, Alphonse Charlebois, contractor of the town of St. Henri, in the district of Montreal, and Emilien Z. Paradis, advocate of the town of St. Johns, in the district of Iberville, shall be the provisional directors of the said company, and the majority of them shall form a quorum. They shall cause subscription books to be opened for the stock of the said company, in such manner, at such place

Provisional directors. **5.** With the view of organizing the said company and of raising the amount of the above mentioned capital, John L. Cassidy, merchant, Joseph Brunet, contractor, Frederic L. Béique, advocate, all three of the city of Montreal, Alphonse Charlebois, contractor of the town of St. Henri, in the district of Montreal, and Emilien Z. Paradis, advocate of the town of St. Johns, in the district of Iberville, shall be the provisional directors of the said company, and the majority of them shall form a quorum. They shall cause subscription books to be opened for the stock of the said company, in such manner, at such place

Their powers.

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and for such time, as they may deem fit and proper, and they shall enter in such books the subscriptions of such persons who shall desire to become stockholders of said company, and they shall allot the said capital in such manner, and upon such conditions and to such persons, as they may deem proper ; and as soon as one half of the capital shall have been subscribed in the said book of stock subscriptions and shall have been allotted, and ten per cent. of the amount subscribed paid up in cash, into an incorporated bank doing business in the city of Montreal, they shall convene a general meeting <sup>General</sup> meeting. of the shareholders, by a notice published eight days in advance in a newspaper published in the French language and in a newspaper published in the English language, in the city of Montreal, and at the said meeting the shareholders shall elect the first directors, and thereupon the said company shall be duly organized and may commence the operations for which the said company is incorporated, and the functions of the said provisional directors shall cease.

Election of  
new directors.

**6.** The number of the directors of the said company <sup>Number of</sup> directors. shall not be less than three nor more than seven.

**7.** The joint stock companies general clauses act shall apply to the said company in the same manner as if it <sup>Application of act 31 V, c. 24.</sup> formed part of this act, except in so far as the same may be inconsistent with any of the provisions of this act.

**8.** This act shall come into force on the day of the <sup>Act in force.</sup> sanction thereof.

### C A P. L X X I.



An act to incorporate "The Mining Company of Quebec."

[Assented to 28th December, 1876.]

WHEREAS a certain number of persons hereinafter <sup>Preamble.</sup> mentioned have, by their petition, represented that they desire to associate themselves to work mines, and establish foundries and factories of all kinds, in the Province of Quebec, and that it would be much easier to attain their object if they were incorporated, and have prayed that an act be passed for such purpose ; and whereas it is expedient to accede to their demand; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Constituted corporation.

**1.** The Honorable J. Adolphe Chapleau, the Honorable Pierre Garneau, the Honorable Louis Beaubien, the Honorable John Young, A. W. Ogilvie, M. P. P., Thomas White, Jr., O. Gauthier, M. P. P., Chs. L Champagne, M. P. P., V. P. Lavallée, M. P. P., Ls. G. Martin, M. P. P., F. Piret, Godfroy Laviolette, Jules Prevost, M. D., J. A. Hervieux, J. B. Villemure, with all other persons who shall become shareholders in the company created by this act, shall be and are hereby constituted a corporation and body politic under the name of "The mining company of Quebec."

Name.

Object

**2.** Such company has for its object the exploring, working of mines, the smelting, manufacturing, and selling of minerals of all sorts, as also of articles in gold, silver, copper, lead, in ingots or manufactured, amalgamated or not, in objects of use, of art, or in any thing concerning industry and commerce of the country, and for exportation; also the acquiring all new processes, patented or not, for working and manufacturing the said articles.

Power to sell, build, &c.

**3.** The company may sell, concede, lease for a limited time, as also by cession and definitive sale, its working of mines, mining lands, houses, factories, manufactures, and all processes whether patented or not, of which it shall have the property. The company may also erect and maintain buildings and machines, and make public works, as for its own use; sell and dispose of the same and buy others in their place, or exchange them, as it shall deem desirable and useful in its interest; acquire patents for the working thereof; concede the same in whole or in part for the greater advantage of the holders of shares, titles or privileges.

Capital.

**4.** The capital of the said company shall be five hundred thousand dollars, divided into shares of not less than five dollars each, as the directors may deem expedient, which capital may from time to time be increased according to the requirements of the company, as shall be decided by a vote of the shareholders at a general meeting convened for that purpose; provided always that the capital of the said company shall never be increased by such vote of the shareholders to an amount exceeding one million dollars and that such increase shall not take place unless the whole amount of the original capital of the company shall have been *bona fide* paid in.

Instalments.

**5.** The shares in the capital stock shall be paid by the subscribers thereto when, where and as the directors of the company may prescribe or determine

by by-laws passed at a general meeting of the shareholders convened for that purpose. The shares or calls on shares which shall not be paid on the day prescribed, shall bear interest in favor of the company at the rate of six per cent. per annum, from such day and upon the amount due and unpaid.

In the case in which a call or calls shall not have been paid, and the interest accrued upon such calls shall not have been paid, in accordance with the preceding section, the directors may by a resolution reciting the facts and recorded in the minute books of the deliberations of the board of directors, summarily confiscate the shares upon which there shall be arrears as aforesaid; and then such shares shall belong to the company, who may dispose thereof in conformity with by-laws to be passed for that purpose, without any legal recourse in favor of the bearer of such shares which shall be thus confiscated.

**6.** The shares in the company shall be deemed personal property and shall be transferable in the manner prescribed by the by-laws; but no share shall be transferable until all previous calls shall have been paid.

The number of every share confiscated for non payment as aforesaid shall be posted up in every office of the company in which shares may be transferred, so as to prevent all fraud and the transfer of shares already confiscated.

**7.** At the general meetings of the company each shareholder not being in arrears in the payment of calls due upon his shares, shall be entitled to as many votes as he holds shares, but no shareholder in arrears for such payment shall be entitled to vote. Votes may be given in person or by proxy, provided that such proxy shall be given to a shareholder who has a right to vote and that it is in the form prescribed in the by-laws.

**8.** The affairs of the company shall be administered by a board of directors composed of not less than seven nor more than nine members, who shall themselves elect their president and vice-president, and shall be elected annually at the general meeting of the shareholders, which shall be held on the first Tuesday in June in each year. And every shareholder, to be eligible as a director, must hold at least one hundred shares, which shall be deposited and kept in the treasury of the company, and shall not be transferred as long as such director shall form part of the board of directors. The directors shall be elected for one year, and shall be eligible for re-election, and in all cases they shall continue to fulfil such office as long as they

have not been replaced by election at a general meeting of the shareholders.

**Meetings.**

The board of directors shall meet on the days and at the hour fixed by the by-laws of the company.

**Vacancy.**

In case of the decease, resignation, dismissal or incapacity of a director, his place so become vacant may be filled by the board of directors, who may appoint for this purpose a shareholder eligible as director.

**Report of engineer required previous to contract.**

**9.** The directors shall not acquire any mines, works or factories, nor contract for the sale of the ores or produce of the works or foundries without a previous report by the engineer in chief; and all contracts made by the directors in the name of the company shall be sealed with the seal thereof.

**Contracts.**  
Provisional directors, and their powers.

**10.** Until the first annual meeting of the shareholders which shall be held on the first Tuesday of June, eighteen hundred and seventy-seven, the said J. Adolphe Chapleau, Louis Beaubien, P. Garneau, A. W. Ogilvie, C. L. Champagne, L. G. Martin, Thomas White, junior, O. Gauthier, and Godfroy Laviolette shall constitute the board of directors of the said company, and shall have all the powers conferred upon the said board by this act or the by-laws which shall be passed upon this subject, and they may, in consequence, cause the capital to be subscribed and calls to be paid upon shares subscribed, and generally do all things necessary and useful for the purposes of the said company.

**Responsibility of shareholders.**

**11.** No shareholder of the company shall be responsible as such for more than the amount of the shares by him subscribed for or owned.

**Principal place of business.**

**12.** In addition to the ordinary place of business in this province, which is hereby established in the city of Quebec, the company may establish places of business in the province of Quebec, and it may in all its agencies order, direct, do and transact business in the manner prescribed by its by-laws.

**Agencies.**  
Duties of directors.

**13.** The directors shall establish the security to be furnished by their employees, agents or cashier; their remuneration, the time and places fixed for the holding of the annual meetings, the calling of meetings of the company, the conditions to be imposed upon proxies; the manner of proceeding in any matter before such meetings; the imposition and recovery of fines and forfeitures admitting of regulation by by-law, and the conduct in all other particulars of the affairs of the company.

**14.** The company shall not commence operations under this act, until a sum of at least twenty thousand dollars shall have been subscribed, and five thousand dollars actually paid in and deposited in one of the incorporated banks in this province. Commencement of operations.

## C A P. L X X I I .

### An act respecting the Mutual Fire Insurance Company of the County of Hochelaga.

[*Assented to 28th December, 1876.*]

**W**HEREAS the Mutual Fire Insurance Company of Preamble. the county of Hochelaga, incorporated under the statutes relating to mutual fire insurance companies in force in the province of Quebec, have by their petition prayed that the name of the said company be changed to "The Hochelaga Mutual Fire Insurance Company," and that better provision be made for the carrying on of the business of the company than is afforded by the general statutes now in force; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

**1.** The corporate name of the said company is hereby change of name. changed from "The Mutual Fire Insurance Company of the County of Hochelaga" to "The Hochelaga Mutual New name. Fire Insurance Company," but the said corporation shall not therefore be deemed a new corporation.

**2.** The principal place of business of the said company Principal office. shall be in the city of Montreal, unless and until otherwise decided by a majority of two thirds of the members of said company present at any meeting duly called for that purpose.

**3.** The company may admit as a member thereof any person, firm or corporation being the owner of or having Admittance of members insured. an insurable interest in any property movable or immovable within the province of Quebec, and every person, firm or corporation, admitted a member of said company by such insurance, shall be entitled to the like rights and be subjected to the like liabilities as other members of the said company.

**4.** A meeting of the members, for election of directors Annual general meeting. and the transaction of the general business of the company, shall be held, in every year, within two months after

the thirty-first of December in each year at the principal office of the company, at such time and in such manner as the by-laws of the company may prescribe.

**Notice.**

**5.** Notice of the time and place for holding general meetings of the company, whether annual or special, shall be given at least two weeks previously thereto by publication thereof in every issue, during two weeks, of one newspaper in English and one in French, published at or nearest to the place where the company has its principal place of business.

**Vote of members.**

**6.** Each member of the company shall be entitled at all meetings of the company to the number of votes proportioned to the amount by him insured according to the following rates, that is to say: for any sum up to fifteen hundred dollars, to one vote; above that sum up to three thousand dollars, two votes; from three thousand dollars to six thousand dollars, three votes; and one vote for every additional three thousand dollars; but no member shall be entitled to vote while in arrears for any assessment or premium due by him to the company.

**Arrears.**

**7.** Special general meetings of the company may be called for any day not a holiday, by order of the president, or, in his absence, of the vice-president, or on the requisition of at least ten members representing not less than ten thousand dollars of insurance, and on such requisition the directors shall be bound to call the meeting within the time specified therein.

**Qualification of directors.**

**8.** The directors shall be members of the company, insurers therein, for the time they hold office, to the amount of one thousand dollars at least, and not in arrears for any premium or assessment due to the company, and the major part of the directors of the company shall further, at all times, be resident in the province of Quebec and subjects of Her Majesty by birth or naturalization.

**Their election.**

**9.** The directors of the company shall be elected by the members, in general meeting assembled, present in their own proper persons, for such term not exceeding two years as the by-laws of the company may prescribe.

**Term of office.**

**10.** Elections of directors shall be by ballot.

**Re-election.**

**11.** In default only of other express provisions in such behalf by the by-laws of the company:

**1.** Such election shall take place yearly, all the members of the board retiring and (if otherwise qualified) being eligible for re-election;

2. Vacancies occurring in the board of directors by death, resignation, loss of qualification, insolvency or being absent from three regular successive meetings of the board, without previous leave therefor, which shall *ipso facto* create a vacancy, may be filled for the unexpired remainder of the term, by the board, from among the qualified members of the company;

3. The directors shall, at their first meeting after any general election and afterwards as occasion may require, proceed to elect by ballot among themselves a president and vice-president of the company; and shall also name and may remove at pleasure any officer thereof.

**12.** If, at any such election, two or more members have equal number of votes, in such manner that a less number of persons than the whole number to be elected appear to have been chosen directors by a majority of votes, then the said members of the company shall proceed to elect by ballot, until it is determined which of the persons so having an equal number of votes shall be the director or directors, so as to complete the whole number of directors to be elected.

**13.** The manager or secretary of the company may be paid by commission or by an annual salary but only under a by-law of the company.

**14.** No agent or paid officer or person in the employment of the company shall be eligible to be elected a director or shall be allowed to interfere in the election of directors.

**15.** The directors of the company shall have full power in all things to administer the affairs of the company, and may, from time to time, make by-laws not contrary to law nor to this act, for the conduct in all particulars of the affairs of the company and to regulate the issue and transfer of policies, the rates of premiums and assessment, and the manner of collecting them, the number of the directors, their terms of service, the appointment, functions, duties and removal, of all agents, officers and servants of the company, the security to be given by them to the company, their remuneration and that (if any) of the directors, the time at which the annual meeting of the company shall be held, the calling of meetings regular and special of the board of directors and of the company, the quorum and the procedure in all things at such meetings, the imposition and recovery of all penalties and forfeitures admitting of regulation by by-law and the conduct in all other particulars of the affairs of the company, and may, from time to time, repeal or re-enact the same, but every

such by-law and repeal, amendment or re-enactment thereof, unless in the mean time confirmed at a general meeting of the company duly called for that purpose, shall only have force until the next annual meeting of the company, and in default of confirmation thereat, shall, at and from that time only, cease to have force.

Management  
of property.

**16.** The board of directors shall superintend and have the management of the funds and property of the company, of all matters relating thereto and not otherwise provided for, and may invest the capital and funds of the company in shares of any chartered bank having its chief office in the province of Quebec, in hypothecary or privileged claims on real estate, municipal debentures, and the public securities of the Dominion or of this Province.

Investments.

**17.** The board of directors of the company may issue promissory notes in favor of any person, banking or other company, for the loan of money, and borrow money therefrom on such promissory notes and on such conditions as they may think proper, and may renew the same, from time to time, the whole of the assets, including promissory notes of the company, being held liable to pay the same at maturity; but no such promissory note shall be for a less sum than one hundred dollars, and provided, always, that all the promissory notes, at any time outstanding, shall not exceed one fourth of the amount remaining unpaid upon the same premium notes then held by the company.

Promissory  
notes.

Loans.

Guarantee.

Limit of  
notes.

Re-insurance.

**18.** The board of directors may make arrangements with any mutual or other insurance company for the re-insurance of risks, or to re-insure any other insurance company against any loss or risk which such other insurance company may have incurred in the course of their business within the province of Quebec, the whole on such conditions with respect to the payment of premiums as may be agreed between them.

Cancelling  
policies.

**19.** The company shall be at liberty to cancel any policy by giving to the insured notice to the effect that they do cancel, or will cancel the same, by registered letter signed by the manager or secretary of the company, addressed, and sent by mail, postage paid, to the post office address of the insured, as given by him or her in the application for insurance or subsequent writing to the company, or by giving to the insured personally notice, in writing, signed by the manager or secretary or an officer or agent of the company to such effect; the party insured shall, nevertheless, be liable to pay his proportion of the losses and expenses of the company to the time of cancelling

Right of  
party in-  
sured.

the policy, and on payment of his proportion of all assessments then payable and to become payable in respect of losses and expenses sustained, up to such period, shall be entitled to a return of his premium note or undertaking, and a condition to this effect shall be endorsed on the policy.

**20.** Any member of the company may, with the consent of the directors, withdraw therefrom upon such terms as the directors may require. Voluntary resignation.

**21.** A copy of any by-law, rule, regulation or minute, or of any entry in any book of the company, certified to be a true copy or extract under the hand of the president or vice-president or manager or secretary of the company, and sealed with the corporate seal, shall be received in all courts and proceedings in civil matters as *prima facie* evidence of such by-law, rule, regulation, minute or entry, without further proof thereof and without proof of the official character or signature of the officer signing the same or of the corporate seal. Proof of copies.

**22.** The company may insure by the same policy of insurance for any time not exceeding five years. Duration of policy.

**23.** Any policy that may be issued for one year or any shorter period, may be renewed at the discretion of the board of directors by renewal receipts, instead of policy, on the insured paying the required premiums or giving his premium note or undertaking, and such renewal insurance shall be considered as continued under the original representations and for the original amounts and divisions and subject to the conditions of the original policy issued, the whole unless otherwise specified in writing on said policy; any cash payments for renewal must be made at the end of the year or other period for which the policy was granted, otherwise such policy shall become null and void. Renewal of policy.

**24.** The company may insure all manner of property movable or immovable situate within the province of Quebec against loss or damage by fire, whether happening by accident, lightning or by any other cause except that of gross negligence or design in the insured or by the invasion of an enemy or an insurrection. Properties to be insured. Cause of loss.

**25.** All policies of insurance issued by the company, sealed with the seal of the company, signed by the president or vice-president and countersigned by the manager or secretary or acting manager or secretary, shall be valid and binding on the company; provided that any fraudulent misrepresentation made by the assured contained Policies of insurance; signature, seal, etc. Fraudulent misrepresentations.

**Changes.**

in the application therefor or any false statement respecting the title or ownership of the applicant, or his circumstances, or the concealment of any incumbrance on the insured property or on the land on which it may be situated, or the failure to notify the company of any change in the title or ownership of the insured property and to obtain the written consent of the company thereto, or any alteration made in any house or building after the insurance has been effected thereon, with the company, whereby the risk is increased, or any increase of risk by any means whatever, unless previously notified and consented to by the company by writing under the hand of the manager or secretary, shall render the policy void, and no claim for loss shall be recoverable thereunder, unless the board of directors in their discretion shall see fit to waive the defect.

**Increase of risk.**

**Causes of nullity.** Causes of nullity. shall render the policy void, and no claim for loss shall be recoverable thereunder, unless the board of directors in their discretion shall see fit to waive the defect.

**Transfer.**

2. The acquirer, (acquéreur) having the policy assigned to him may have the same confirmed to him for his proper use and benefit upon application to and with the consent of the directors and under such terms and conditions as they may stipulate.

**Alterations in buildings insured.**

3. When any alteration is made in a building whereby the risk is increased, the directors may consent to the same and may require an additional premium and deposit note therefor and impose such other conditions as they may see fit.

**Sale of property to annul policy exception.**

26. In case any property real or personal be alienated by sale, or otherwise, the policy (unless it has been assigned to the acquirer and has been confirmed to him as above provided) shall be void and shall be surrendered to the directors of the company to be cancelled, and thereupon the insured shall be entitled to receive his premium note or notes on payment of his proportion of all losses and expenses which had accrued prior to such surrender ; provided, however, that in cases of hypothecation or of pledge, the directors may permit the policy to remain in force and to be transferred to the creditor by way of additional security, without requiring any premium note or undertaking from such creditor or his becoming in any manner personally liable for premiums or otherwise ; but, in such cases, the premium note or undertaking and liability of the insured in respect thereof, shall continue in nowise affected.

**Case of hypothec.****Double insurance concealed.**

27. If an insurance subsist by the act or with the knowledge of the insured in the company and with any other company or insurer at the same time, the insurance in the company shall be void, unless the double insurance subsists with the consent of the directors signified by indorsement on the policy signed by the

manager or secretary or other officer authorized to do so, or otherwise acknowledged in writing.

**28.** In case of any loss or damage by fire <sup>Case of loss.</sup> happening to any member upon property insured with the company, such member shall give notice thereof to the company <sup>Notice.</sup> forthwith, at its principal place of business, and the proofs, declarations, evidence and examinations, called for by or under the policy, must be furnished to the company within thirty days after the loss; and within <sup>Proof, &c.</sup> ten days of the receipt of notice and proofs of claim as aforesaid, the board of directors shall ascertain and determine the amount of the loss or damage, and notify <sup>Notification</sup> the claimant of their determination by letter <sup>by company.</sup> prepaid and registered, addressed to his last known post office address, and such amount shall be payable in three months after the receipt by the company of such proofs, if admitted.

**29.** If the party be not satisfied with the determination <sup>Arbitration.</sup> of the board of directors, all question as to the value of property damaged or destroyed, may be submitted to three disinterested persons as arbitrators, one of whom shall be named by the board, one by the suffering party and one by the two arbitrators named by the parties, but should such two arbitrators not agree upon the choice of a third, then such third arbitrator shall be named by a <sup>Decision to be final.</sup> judge of the superior court in the district of Montreal, on the application of either party, after notice to the other and the decision or award of a majority of them shall be binding and final.

**30.** No action or suit shall be brought against the company upon any policy or contract of insurance granted or entered into by the company after the lapse of one year next after the happening of the loss or damage in respect of which such action or suit is brought, unless the company has sanctioned a further delay or otherwise waived the forfeiture; saving in all cases the right of parties under <sup>Proviso.</sup> legal disability, and all policy and all policies to be issued by such company shall have a condition to this effect endorsed thereon.

**31.** If in any action a greater sum be recovered than the amount determined by the directors, the party suffering shall have interest thereon from the time such loss or damage would become payable under section twenty-eight of this act, with costs of suit.

**32.** If no more be recovered than the amount so previously determined upon by the directors, and if such <sup>If no more allowed than offered.</sup>

amount had been, by writing under the hand of its' manager or secretary, legally tendered, the plaintiff in the suit shall have judgment for such amount only, and he shall not be entitled to costs against the defendants, and the defendants shall be entitled to costs against the plaintiff.

**Extra judicial examination.** **33.** Any justice of the peace or any one having lawful authority to administer an oath or affirmation in any legal proceeding, may examine, on oath or solemn affirmation, any party or person who comes before him to give evidence touching any loss by fire in which the company is interested, and may administer any oath or affirmation required.

**Amount to be retained by company.** **34.** If there be any loss on property insured by the company, the board of directors may retain the amount of the premium note or undertaking given for the insurance thereof until the time has expired for which insurance has been made, and, at the expiration of such time, the insured shall have the right to demand and receive such part of the retained sum as has not been assessed for.

**Premiums in cash, &c.** **35.** The company may collect premiums in cash for insurance for terms not longer than one year, and such portion of the premium notes as the directors may consider equitable and necessary, on all insurances for terms longer than one year.

**Profits among policy holders.** **36.** The company may make a periodical division of profits equitably among the policy holders of the company, after providing for a reserve fund, should the company see fit to establish one, or after adding to it such amount as it may deem proper.

**Interpretation of ch. 68, C. S. L. C.** **37.** The provisions of chapter sixty-eight of the consolidated statutes for Lower Canada relating to matters preliminary and up to the incorporation of the company, shall be deemed directory only, and the incorporation of the company shall not be held void or voidable on account of any irregularity in any notice prescribed by the said act, or on account of the insufficiency or obscurity of any such notice, or on account of any irregularity in respect of any other matter preliminary to the said incorporation.

**C. 68, C. S. L. C. and amendments, not to apply.** **38.** After this act takes effect, the said chapter sixty-eight of the consolidated statutes for Lower Canada, and all amendments thereto and all other acts and parts of acts so far as inconsistent herewith, shall not apply to or in any way affect the Hochelaga mutual fire insurance company, as regards all contracts, suits or proceedings, made or entered into after this act comes into force.

**39.** The words "the company," wherever they occur in this act, shall refer to and mean "the Hochelaga mutual fire insurance company."

**40.** This act shall come into force on the day of the sanction thereof.

### C A P. L X X I I I.

#### An act to incorporate the Montreal Open Stock Exchange.

[Assented to 28th December, 1876.]

**W**HEREAS Alexander C. Clark, William Weir, M. B. Smith, William H. Weir, Frank H. Burnett, John H. Bell, William McKenzie, Louis Alphonse P. Barthe, J. Philip Withers, G. H. Patterson, Edward Rawlings, John R. Middlemiss, and others, resident and carrying on business in the city of Montreal, have petitioned for the incorporation of themselves and others, as the "Montreal Open Stock Exchange," and to be invested with certain powers hereinafter mentioned, and it is expedient to grant their prayer; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

**1.** The aforesaid persons and others, already associated with them, and all those who hereafter may become associated with them, shall be and they are hereby constituted a body politic and corporate by the name of the "Montreal Open Stock Exchange," and may by that name sue and be sued, implead and be impleaded, answer and be answered, defend and be defended in all courts of law and equity; and by that name, they and their successors shall have perpetual succession, and may have a common seal, change and alter the same at pleasure; may acquire for themselves and their successors under any legal title whatsoever, property real and personal; may alienate, sell, convey, lease or otherwise dispose of the same or any part thereof from time to time, as occasion may require, for such price or prices and on such terms and conditions as they may see fit, and may, should they see fit, acquire other real and personal estate for the purposes of this act; may borrow money on the hypothecary security of the immovable property of the corporation, for such time, and on such terms, and at such rates of interest, as they may see fit; provided, always, the clear value of the real and personal estate together held by the said corporation, at any time, shall not exceed one

General pow-  
ers.  
Seal.

Loans.  
value.  
Limited

hundred thousand dollars, and provided also the said corporation shall not have or exercise any corporate powers whatever, except such as are expressly conferred by this act, or which are necessary for carrying the same into effect.

Objects of corporation.

**2.** The objects of the said corporation are declared to be to establish an exchange, which shall be open to the public, where the several members who shall form said corporation may buy, sell and otherwise deal in, hold and transfer, stock of public companies, corporations and associations generally ; bonds, debentures, both government and otherwise and all securities of the description usually dealt in in similar institutions, and to make such regulations and by-laws, concerning the affairs of said corporation as are not contrary to law.

Regulations.

**3** The corporation shall have power to provide and regulate suitable rooms or buildings in the city of Montreal, for the purpose of conducting the business of the said stock exchange, and may acquire and retain in its own corporate name, property in their own right to an extent not exceeding a value of \$100,000.

Increase of capital.

**4.** The corporation shall have the power to raise the capital to an extent not exceeding the said sum of \$100,000 by transferable shares of \$100 each or otherwise.

Committee of management.

**5.** The affairs, business and concerns of the corporation hereby created, shall be managed by a president, vice-president and secretary and two managers, or such other officers and number of managers as may be provided by the by-laws, all of whom shall be members of the said "Montreal Open Stock Exchange," and shall together constitute the committee of management, and shall be elected annually at such time and place as may be provided by the by-laws ; all vacancies which may occur in the said committee by death or otherwise shall be filled by the said committee, and a majority of the number of the said committee, or such other number as may be established by the by-laws, shall constitute a quorum of the said committee for the transaction of business.

Officers.

Vacancy.

Quorum.

General meeting for election.

**6.** An annual meeting shall be held for the election of the committee of management and for such other business as may be brought before such meeting, at such time and place and under such regulation and notice, as the by-laws of the corporation shall determine, and may be adjourned as decided at such meeting ; but in case of any accident, failure or neglect to hold such general election, the corporation shall not thereby lapse or terminate

but shall continue and exist, and the old officers shall continue to act, until the next general election, or until such other period as may be provided for in the by-laws.

The corporation shall be regulated by the by-laws to <sup>By-laws.</sup> be prepared by the managing committee and approved by a meeting of members called for that purpose ; the said by-laws may from time to time be altered and amended or repealed by the said managing committee, <sup>Amend-  
ments.</sup> subject in the same way to the approval of members as aforesaid.

7. The corporation may admit as members such persons as they see fit ; such membership shall be evidenced by signing an agreement to be governed by its Proof. act of incorporation and by-laws ; and the said corporation may Expel. expel any member, for such reasons and in such manner as may be by by-law provided.

The president, vice-president, secretary and two managers now in office, shall be the committee of management until others, under the provisions of this act, shall be elected in their place, and the committee hereby appointed shall, until the said election, have all the powers assigned to the said committee of management under this act, and they and their successors in office shall have power to collect such subscriptions or assessments as may be provided for by the by-laws of the corporation ; they shall also have power to open stock-books for the subscription of stock or shares in the said corporation, to receive calls thereon as may be made in conformity with the by-laws, and generally to do all things and matters necessary for the organizing and working of the corporation.

8. The by-laws and rules of the "Montreal Open Stock Exchange," now in force, shall be the by-laws and rules of the corporation, until amended or repealed. No member shall in any manner be liable or chargeable with the payment of any debt or demand, due by the corporation, beyond the amount of his assessments, as provided for by the by-laws, nor shall any shareholder be similarly liable beyond the amount of his unpaid subscribed shares or shares in the capital stock of the corporation.

9. At any annual or general meeting of the said corporation, whether for the purpose of electing members of the committee of management or for any other purpose, one half of the number of members of the corporation shall constitute a quorum and shall be competent to do and perform all acts, which, either by this act or by any by-laws of the said corporation, are or shall be directed to be done at any such general meeting.

Quorum for meetings.

Amounts due  
to be recover-  
able in law.

Allegations.

**10.** All subscriptions of members due to the said corporation under any by-law, all penalties incurred under any by-law by any person bound thereby, and all other sums of money due to the said corporation, shall be paid to the secretary-treasurer thereof, and, in default of payment, may be recovered in any action brought in the name of said corporation, and it shall only be necessary in such action to allege that such person is indebted to the said corporation in the sum of money, the amount of such arrearage, on account of such subscription, penalty or otherwise whereby an action hath accrued to the said corporation by virtue of this act.

Proof of debt.

**11.** On the trial or hearing of any such suit, it shall be sufficient for the said corporation to prove that the defendant, at the time of the institution of such action, was or had been a member of the said corporation, and that the amount claimed, by reason of such subscription or otherwise, was standing unpaid in the books of the said corporation.

Act in force.

**12.** This act shall come into force on the day of its sanction.

#### C A P . L X I V .

#### An act to amend the act to incorporate the Montreal Exchange.

[Assented to 28th December, 1876.]

Preamble.

WHEREAS the corporation called "The Montreal Exchange" has petitioned for certain amendments to its act of incorporation, 16 Vict., chapter 146, and it is expedient to grant its prayer; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Votes of

ders.

**1.** At the general meetings of the corporation called "The Montreal Exchange" every shareholder shall be entitled to as many votes as he owns shares in the stock, which are hereby declared to be of one hundred dollars each, and may act and vote by proxy, and the third section of the act to incorporate the said Montreal Exchange, 16 Vict., chapter 146, is amended accordingly.

Sale of pro-  
perties.

**2.** It shall be lawful for the shareholders of the said Montreal Exchange, at any time, at a general meeting, by a vote of three quarters of the total number of shares of

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the stock, to authorize and order the sale of any or all real estate belonging to the corporation.

**3** It shall also be lawful for the shareholders of the said Montreal Exchange, at any time, at a special general meeting duly convened for the purpose, by a vote of three quarters of the total number of shares of the stock, to resolve and determine upon the dissolution of the corporation ; and the fifth paragraph of article 368 of the civil code is modified accordingly as regards the said corporation.

## C A P : L X X V .

### An act to amend the act incorporating the Windsor Hotel company of Montreal.

[Assented to 28th December, 1876.]

WHEREAS the Windsor Hotel company of Montreal Preamble. have, by their petition, represented that for the reasons therein stated, it has become necessary to raise a further sum of money for the completion of their buildings, and have prayed for authority to issue preferential shares for that purpose, and to secure the vendor of furniture to be placed therein, and it is expedient to grant their petition ; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

**1.** The said company may issue preferential shares, giving a right of voting, not exceeding in all the sum of \$300,000 in shares of \$100 each. The dividends on such shares shall be preferential as between the holders thereof, and the holders of ordinary shares at a rate not exceeding eight per cent. per annum, and they shall be payable half yearly, and shall be cumulative. And any portion of such dividends, which shall not be paid half yearly, shall bear interest at the same rate. (1) And, until such preferential dividends and all arrears thereon and all interest on such arrears shall be paid, no dividend shall be declared or paid on the ordinary shares of the said company, and afterwards shall only be so paid out of the balance of profits which shall remain after payment of the said preferential dividends, arrears and interest.

Preferential shares.

Dividend.

**2.** Those persons, who are shareholders in the com- Privilege of actual share-  
holders.

(1) See 40 Vict., ch. 76.

pany, on the day of the passing of this act, shall have a preferential right for thirty days thereafter, to the exclusion of all others, to subscribe for the said preferential shares *pro rata* to the amounts of shares by them respectively held in the said company on which all calls shall have been paid on the said day, or before the time of subscribing for such shares and preferential stock. And if any of the existing shareholders of the company shall fail to subscribe during the said period for their proportion, at the rate aforesaid, of the preferential shares, then and in that case the shareholders of the company who shall have subscribed for such shares shall be entitled, at any time during a second period of thirty days, to increase their subscriptions in proportion to the amount of their former subscriptions to preferential shares, as compared with the total amount subscribed, within the said first period of thirty days. And if, at the expiration of such second delay of thirty days, any part of the said preferential shares remain un-subscribed for, the directors may offer the same to the public, or retain the same in the possession of the company and afterwards dispose of them in such manner as they may think fit.

Special privilege and right of pledge on the hotel furniture.

3. If the furniture and movable effects placed in the said hotel for the furnishing thereof as a hotel, with the intention of remaining therein for such purpose, shall amount in value to a sum of one hundred thousand dollars or upwards, and if the purchaser of such furniture and movable effects is unable to pay for the same, in full, at the time when they are placed in the said hotel, it shall be lawful for the said company to accept delivery thereof, from the vendor thereof, which delivery may be made by a declaration to that effect executed before a notary, without depriving the tenant of the said hotel of the use thereof, for the purposes of the said hotel: and the company may thereupon grant a receipt for the said movable effects which shall be appended to an inventory thereof, which receipt shall be transferred by the purchaser to the vendor of such furniture, or to any person who shall advance money for the purpose of purchasing such furniture; and thereafter the holder of such receipt shall have a valid lien upon the said furniture for the amount due him: which lien shall be a right of pledge and shall be governed by articles 1969, 1970, 1971, 1972, 1975, 1976, 1977, 1994 and 2001 of the civil code, except, however, that it may, in the said receipt, be stipulated that the privilege of the said company as lessor shall rank before the privilege given by such right of pledge.

Act in force.

4. This act shall come into force on the day of the sanction thereof.

## C A P . L X X V I .

An act to amend "An act to amend the act incorporating the Windsor Hotel Company of Montreal."

[*Assented to 28th December, 1876.*]

**H**ER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. The act passed in the present session intituled: "An 40 V., c. 75, act to amend the act incorporating the Windsor Hotel <sup>s. 1, amended.</sup> Company of Montreal," is amended, by striking out the words "at the same rate", at the end of the third sentence of the first section.

2. This act shall come into force on the day of its *Act in force.* sanction.

## C A P . L X X V I I .

An act to authorize the absolute sale of two immovable properties substituted by the will of the late Thomas Barron, and for other purposes.

[*Assented to 28th December, 1876.*]

**W**HEREAS by the last will made in due form of the *Preamble.* late Thomas Barron, in his life time, gentleman, of the village of Lachute, in the county of Argenteuil, district of Terrebonne, dated on the 21st February, 1862, the testator has, among other things, made the following provisions:

"The property belonging to me in Lachute, comprehending the village of Lachute, bounded on the front by the North River, in the rear and south by the lot belonging to Doig, and partly by the seignior, on the east by the Fraser lot, and on the west by the seignior mill lots, I will and bequeath to my adopted son and heir Thomas Barron, jr., husband of Harriet Cushing, and the male heirs of his loins, on entail; failing of male heirs of his body he will be at liberty to substitute his daughter Lizzy, should she live and marry, and her husband adopt the name of Barron, with a view that the name be perpetuated to each succeeding possessor of that property. The whole of the rents, issues and interest of that property

will belong to the possessor in this manner, with the right to cede village lots on *constitut*, but not to sell, alienate or transfer any part of said property otherwise than by *constitut* or yearly rent or lease.

"And I also will and desire that the lot number two in the sixth range of the township of Chatham, hereby bequeathed to the said Thomas Barron in like manner as above stated with a view to furnish firewood, etc., and to assist the person who will be *Laird* of the village property to live so far independently"; such latter lot being likewise substituted; whereas Thomas Barron, esquire, clerk of the circuit court, residing at the said village of Lachute, the legatee, has eight children of whom three are boys; whereas the said Thomas Barron, since the death of his adopted father, on the 21st of January 1864, has already conceded several lots of the said above first mentioned immovable; whereas it has been shown that it is in the interest of all parties concerned to continue to sell in village or building lots the said first mentioned immovable, which has for a long time been sub-divided for that purpose, as also to sell the second; whereas the late Thomas Barron created such substitution under the erroneous impression that he was the proprietor of the whole of the two aforesaid properties, while he was the proprietor of one half only, the other half belonging to his widow, who has ceded it to Thomas Barron, the legatee, by notarial deed to that effect, dated on the 12th of April 1864; whereas this substitution, being only partial, is a great obstacle to the sale which the parties interested might advantageously make, inasmuch as the persons who wish and seek to purchase such property do not desire to purchase property substituted fully and still less property partially substituted; whereas the said Thomas Barron is entitled to procure a *partage* or forced licitation of the said immovables one half whereof belongs to him, but for the purpose of avoiding great expense, and in the interest also of his children, it is advisable to permit him to make sales absolutely, as prayed for in his petition, while, however preserving the rights of the substitutes in their portion of the proceeds of such sales; whereas further the purchasers *à constitut* of lots sold and to be sold, may, under the law, always free themselves, by paying the capital into the hands of the institute, in accordance with article 948 of the civil code, but that it is expedient to remove all doubts on the part of purchasers who desire to free themselves; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Sale autho-  
rized.

1. Thomas Barron and the curator appointed to the substitution created by the will of the late Thomas

Barron, duly authorized for that purpose, by the advice of a family council, duly homologated by the judge, are hereby authorized to sell and transfer absolutely, the said immovable properties in lots or otherwise, as well as to receive the purchase price of the lots already sold or conceded and forming part of the first mentioned immovable.

**2.** Thomas Barron and the curator appointed to the Application substitution created by the will of the late Thomas Barron, of funds. duly authorized for that purpose by the advice of a family council, as provided in the preceding section, shall apply one half of the funds arising from sales already made and those to be made, in the purchase of dominion, provincial or municipal debentures, or in investments on real estate.

**3.** This act is without prejudice to the rights of pur- Rights pre- chasers to pay only according to the terms of their deeds served. passed before the coming into force of this act.

**4.** This act shall come into force on the day of its Act in force. sanction.

#### C A P . L X X V I I I .

An act to authorize the sale of certain real estate substituted by the will of Guillaume Morin.

[*Assented to 28th December, 1876.*]

**W**HEREAS Guillaume Morin, farmer, in his lifetime of the parish of St. Arsène, in the county of Temis- Preamble. couata, has, by his last will and testament, duly made and received on the 27th May 1862, before St. Jorre and another, notaries public, at Cacouna, and enregistered in the registry office of the county of Temiscouata, given and bequeathed all his estate, movable and immovable, to Moïse Morin, his brother, farmer, living with him, constituting him his universal legatee upon certain charges and conditions therein expressed; and whereas the said will, after having provided for the payment and delivery of certain legacies, contains a substitution in these terms :

“And to execute my said present will I nominate the person of the said Moïse Morin, my said universal legatee, to whom I transfer all my said property to his use and enjoyment under usufructuary title only, charged the said property with a substitution in favor of one or more of the children of my said universal legatee,

and I authorize him to choose such child or children as are most worthy and deserving, and in default of posterity of my said legatee, I substitute my said property to the children of my said brother Joseph Morin. And finally also in default of posterity of this latter, I substitute such property to Guillaume Morin and to Louis Morin, sons of Jacques Morin, esquire, warden of the county of Temiscouata; but on condition that all and each of the aforesaid substitutes shall keep my said property in the family by the same method of substitution, from generation to generation, as far as the degree by law allowed."

Whereas, by his petition, it is shown that the said universal legatee, institute affected with the substitution as aforesaid, cannot pay the debts of the estate without selling the whole or the greater part of the said property or exposing it to the risk of being sold by forced execution to his great loss and the loss of the substitutes; and whereas it is in the interest of the said Moise Morin and the said children that the said real property, bequeathed as aforesaid, be voluntarily sold or exchanged for the payment of the debts aforesaid and for the fulfilment of the conditions of the said will and the greater advantage of the said substitutes, and that the proceeds arising from the sale or exchange be employed in accordance with the intentions of the testator; and whereas the said Moise Morin has eight children of tender years; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enact as follows;

Sale authorised.

1. The said Moise Morin, universal legatee and testamentary executor of the said late Guillaume Morin, after having been authorized therefor by a judge of the superior court, on the advice of relations and, in default thereof, of friends, and with the consent of the curator to be appointed to the substitution established by the said will, is authorized by this act to sell, transfer or exchange the real estate bequeathed by the said Guillaume Morin, situated in the county of Temiscouata, and to give a good and valid title therefor, in the same manner as the said Guillaume Morin could have done in his lifetime.

Application of funds.

2. The funds arising from the said sale, after payment of the debts and charges of the will, shall be placed by the said universal legatee in the manner in which the judge shall deem advisable and more advantageous for the legatee and the said substitutes, either in the purchase of immovable property, or by leaving the monies in the hands of the purchaser or purchasers, with interest, secured by the privilege of *bailleur de fonds*.

Act in force.

3. The present act shall take effect from the day of the sanction thereof.

## C A P. L X X I X.

An act to authorize the board of examiners for the examination of candidates for admission to practice as land surveyors in Lower-Canada (province of Quebec), to admit, after examination, William Crawford to practice as a land surveyor.

[*Assented to 28th December, 1876.*]

WHEREAS William Crawford, of the City of Montreal, <sup>Preamble.</sup> civil engineer, after following the prescribed course, received from the university of McGill College, in Montreal, a degree or diploma of qualification as a civil engineer and land surveyor, and immediately afterwards left this province and was for many years engaged in foreign countries in the laying out and construction of railways; and whereas the said William Crawford has passed the requisite preliminary examinations required by law to qualify him to act as an apprentice to a land surveyor for Lower Canada (province of Quebec) although he did not serve for one year as such apprentice to a provincial land surveyor as required by law, owing to his absence as aforesaid; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. It shall be lawful for the board of examiners for the <sup>Admission</sup> examination of candidates for admission to practice as <sup>authorized</sup> land surveyors in Lower Canada (province of Quebec), at their next meeting or at any time, to admit the said William Crawford to practice as a provincial land surveyor, after the passing by him of the usual examination, and to grant him the usual diploma.

2. This act shall come into force on the day of its <sup>Act in force.</sup> sanction.

## C A P. L X X X.

An act to authorize the bar of the province of Quebec to admit Onésiphore D. Labrie among its members.

[*Assented to 28th December, 1876.*]

WHEREAS Onésiphore D. Labrie, of the city of <sup>Preamble.</sup> Quebec, was admitted to the study of the profes-

sion of advocate on the fifteenth day of July, eighteen hundred and seventy-two;

Whereas he has studied more than three years under his patrons, Jacques Malouin and F. X. Drouin, esquires, advocates, both practising as attorneys in the city of Quebec;

Whereas he has studied during more than six months under Daniel Cary, esquire, advocate, and prothonotary of the city of Winnipeg, Manitoba;

And further, whereas the said Onésiphore D. Labrie, can produce at the time of his examination before the bar of Quebec, a diploma as bachelor at law of the Laval University;

And whereas, if the studies of the said Onésiphore D. Labrie have been interrupted, he has, nevertheless, studied under his patrons above mentioned, during certain periods of time which taken together, form a longer period than that required by law, that is to say, more than three years and one half; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Admission authorized.

**1.** The bar of the province of Quebec, section of the district of Quebec, and the examiners thereof, at their next meeting or at any time may, after the said Onésiphore D. Labrie has passed the examination required by law, admit the said Onésiphore D. Labrie to the practice of the profession of attorney and advocate, any law or custom to the contrary notwithstanding.

Act in force. **2.** This act shall come into force on the day of the sanction thereof.

### C A P . L X X X I .

An act to authorize the pharmaceutical association of the province of Quebec, to admit William Whitehead as a licentiate in pharmacy.

[Assented to 28th December, 1876.]

Preamble.

WHEREAS William Whitehead, of the city and district of Montreal, chemist's assistant, has by petition represented that he has been engaged in the practice of pharmacy, for more than seven years prior to the passing of the Quebec pharmacy act of 1875, and continuously since the passing of said act, in responsible positions as chemist's assistant, and as the manager of various drug establishments in the city of Montreal; and has thereby

obtained considerable skill, knowledge and experience, sufficient to enable him thoroughly to perform and carry on the practice of a licentiate in pharmacy; and is prepared to undergo the major examination required by the said act; but owing to the responsible position held by him as chemist's assistant and manager as aforesaid, has not been able to attend the curriculum of lectures prescribed by the said act, though he had in accordance with said act been duly registered by the said association as a certified clerk; and whereas the said William Whitehead has prayed that he may be admitted to practice as a licentiate in pharmacy without the attendance upon lectures prescribed by the said act; and whereas a large number of the members of the said pharmaceutical association have recommended that the prayer of such petition be granted him, and whereas it is expedient to grant the prayer of said petition; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. It shall be lawful for the pharmaceutical association of the province of Quebec, and the council thereof, and the examiners thereof, at any time after the passing of this act, to admit and register the said William Whitehead as a licentiate in pharmacy and to practice as such, as soon as he has passed the usual examination, any law, usage or regulation to the contrary notwithstanding.

### C A P. L X X X I I .

An act to change the name of William Taylor of the city of Montreal, gentleman, to that of William Taylor Lindsay.

[Assented to 28<sup>th</sup> December 1876.]

WHEREAS William Taylor, of the city of Montreal, gentleman, hath, by his petition, set forth that he is desirous of having his name changed to William Taylor Lindsay, he having always been known and called by that name, and to avoid confusion, and hath prayed for an act for that purpose, and it is expedient to grant the said prayer; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. The said William Taylor shall hereafter be called New name, and known by the name of William Taylor Lindsay, and by the latter name shall hereafter claim, exercise and

Effect of  
change of  
name.

enjoy all advantages, benefits, rights and titles, to which, without such change of name, he would have been entitled; and all contracts, covenants and agreements made and entered into by him, by and under the name of William Taylor, shall avail to and be binding on him and be deemed entered into by and under the name of William Taylor Lindsay, and all legacies or bequests contained in any will and made in his favor by the name of William Taylor, shall avail to him as if the name of William Taylor Lindsay had been mentioned therein and, also, by the latter name, shall recover, have, hold and possess, and be capable of inheriting all real or personal property and rights of any nature or kind whatsoever which he may at present have, hold or possess, or which hereafter he might be capable of inheriting, recovering, holding or possessing as fully and to the same extent as if the change of name had not hereby been made.

Proceedings  
commenced.

2. If any suit or legal or equitable proceeding has been commenced by or against the said William Taylor Lindsay by his former name, such suit or proceeding shall not be abated, nor any relief or recovery sought thereby be prevented by reason of any such change of name, but the same may be continued and carried on to judgment and execution and until satisfaction and discharge be had, as if this act had not been passed.

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